

## PRIVATE EFFORTS

### Overview

One of the most active grassroots efforts during the past decade has been that of Vietnam War activists. They have pressed successfully on several fronts, and it is these activists, and the families of unaccounted-for servicemen that have kept the POW/MIA issue at the forefront of public attention. At times, private groups have prodded the Government to act, at times (such as at the Committee's formation) they have demanded investigations into the Government's actions. Most of these activities have been both altruistic and effective; some have been well-intentioned, but have not served POW/MIA families; and a few have been outright scams of the most reprehensible kind.

To examine private-sector POW/MIA activities, the Committee documented a wide range of public-awareness campaigns and other activities, investigated recent reconnaissance and rescue operations conducted overseas, reviewed the role of various groups in distributing photographs purporting to depict POWs in Southeast Asia after Operation Homecoming, and reviewed professional fundraising conducted in the name of various POW/MIA organizations.

### Public Awareness Campaigns

Many private organizations engage in a range of successful public-awareness campaigns designed to educate the public about the POW/MIA issue. These efforts include rallies, marches, educational forums, newsletters and newspapers, television and radio programs, holiday ceremonies, the sale of memorabilia (such as POW bracelets and t-shirts), the creation of memorials and parks to honor POW/MIAs, foot races, and vigils. Some have funded scholarships for the families of POW/MIAs; others have sponsored legislative initiatives across the country. The accomplishments of these organizations are too extensive to be fully explored in this report, but a summary of the achievements of several organizations is included in this chapter.

### Reconnaissance/Rescue Missions

During the Committee's year-long investigation, a reconnaissance and rescue operation known as "Team Falcon," was undertaken by the private sector, ostensibly to locate and rescue American POWs believed to be held in Laos. Lauded at first by activists, it was disavowed by them when it was determined that contributors were misled, money lost, participants duped, and no POW was identified, located or repatriated.

The Committee also examined a reconnaissance and rescue operation known as Skyhook II, led by former Congressman John LeBoutillier. It learned that U.S. Government officials illegally attempted to

provide handguns for members of the Lao Resistance associated with Skyhook II. It also found that other U.S. Government officials helped to solicit funds for Skyhook II; and that money raised was funnelled through a Bangkok bank account.

The Committee reviewed certain activities conducted by Lt. Col. James "Bo" Gritz (USA, Ret.) and found that, despite Government attempts to repudiate and minimize its involvement with Gritz, the Government sanctioned, encouraged, funded, approved, and provided logistical support to some of his overseas reconnaissance and rescue operations. Those operations serve as additional evidence of how Government attempts to use the private sector in clandestine overseas operations can go awry.

### Photographs

Another activity of great concern to the Committee was the distribution of fraudulent reports of live POWs. These reports, usually attributable to notoriously unreliable agents in Southeast Asia with proven track records of failure, were cited by private groups as evidence of live POWs and incorporated into fundraising appeals. In some cases, fundraisers themselves concocted fantasies loosely based on these agents' reports and peddled them as verified facts. In no instance did any overseas agent locate a live POW or produce reliable evidence that U.S. servicemen are in captivity in Southeast Asia.

The most readily believed stories were accompanied by photographs. The Committee's investigation of several of these photographs revealed evidence of fraud in several instances, including those circulated in 1991 that allegedly depicted Donald Carr, Daniel V. Borah, John L. Robertson, Larry J. Stevens, and Albro Lundy.

### Fundraising

The Committee's investigation revealed that millions of dollars have been raised for the POW/MIA cause, but the bulk of the funds are frequently retained by the professional fundraisers hired by certain POW/MIA organizations. Heart-wrenching statements purport to confirm that POWs are alive in Southeast Asia and that their rescue by a private group is imminent are the basis for the appeals -- but donors are virtually precluded from learning how their contributions are spent:

The Internal Revenue Service (IRS) has almost no incentive to audit financial reports of non-profit organizations: non-profit status is granted on the condition that the organization give donors basic information about its operations -- but, once obtained, non-profit status also means the IRS won't collect revenue by looking closely enough at the organization to see that it is keeping its promise.

The Supreme Court has held that certain aspects of charitable fundraising are protected by the First Amendment guarantees.<sup>159</sup> Accordingly, state and federal regulators face substantial barriers to regulating the claims of non-profit organizations that operate both within states and across state lines.

The emotions surrounding the POW/MIA issue, until recently, have effectively dissuaded Congressional oversight and news coverage of shady operations: it is far easier to tell the story of a POW/MIA family's anguish than to examine the groups who prey on that anguish.

#### Public-Private Alliances

#### Lao Resistance

In its efforts to learn more about rumors of live Americans held in captivity in Southeast Asia, the U.S. Government considered working with Lao resistance forces. In August 1981, DIA's assessment of the Lao resistance included the following:

Although the [Lao resistance] is weak, it does offer the potential for supporting U.S. MIA efforts. A recommendation would be to pursue both overt pressure on the LPDR and their Soviet and Vietnamese supporters and covert efforts through [Lao resistance] forces. On balance, unless Hanoi and Vientiane change their established MIA accounting policies dramatically, the potential for success appears greater utilizing a covert action program. However, the "risks" inherent with such a program are also greater.

There is no "one" Lao resistance group/element. The movement is fragmented with the most stable elements being among the northern tribesman and the Lao People's National United Liberation Front (LPNULF), a loose coalition of various resistance elements. Other fragmented resistance elements operating in Laos include the Lao Liberation Movement (LLM) and the "21-18 Group," a formation of political elements. Although total strength of the resistance in Laos is estimated at 6,000-8,000, it does not pose a near-term threat to the stability of the current regime. The resistance lacks a dependable support base and there is little coordination between resistance groups. Without a significant increase in external aid accompanied by improved

<sup>159</sup>See, e.g., Riley v. National Federation of the Blind, 487 U.S. 781 (1988); see also, Village of Schaumburg v. Citizens for a Better Environment, 444 U.S. 620 (1980).

discipline and organization, the Lao resistance will remain nothing more than a minor irritant to the Lao People's Democratic Republic and a poor single focus for U.S. MIA efforts.

The resistance movements have gained a limited amount of sympathy and support by propagandizing and recruiting at the village level. They have not yet, however, been able to establish secure bases of operation within Laos. They primarily operate from base camps along the Thai-Lao border and, less commonly, the Lao-China border area. In the northernmost provinces, aid is provided to the Hmong, Yao, and Kmou tribesmen by China. In the panhandle region, Democratic Kampuchean (DK) resistance elements, supported by the Thai, provide nominal aid to Lao resistance forces. The Thai also provide assistance and direction to select resistance elements in the central area.

Regarding actual MIA-related activity, Lao resistance elements could travel through government controlled areas in search of U.S. crash/grave sites and could provide information concerning the locations of such sites. These operations could be covertly accomplished employing small reconnaissance teams to avoid detection by LPDR or Vietnamese military forces. The small covert team concept appears feasible if the resistance element was strongly motivated and the U.S. interests represented by trusted indigenous personnel.

There is possibility that the LPDR or SRV intelligence services have infiltrated the resistance movement. The likelihood of a penetration is greater among the ethnic Lao resistance elements than with the tribesmen whose ethnic association is closer and whose long-standing animosity toward Lao and Vietnamese is traditional. The non-tribal Lao resistance elements are more susceptible to infiltration due to the fragmented nature of their movements and their varying ethnic, social, and political composition and objectives. These same weaknesses are the primary reason we see no near-term chance of success for unification of the Lao resistance movements.

Although the Committee found no clear evidence that the U.S. Government actually worked directly with Lao resistance forces, the Committee did obtain evidence of indirect efforts by the U.S. Government to fund Lao resistance elements in the hopes that those elements would provide information concerning the possible existence of POWs in Laos. This is ironic because, as set forth later in this chapter, the Committee found evidence that Lao resistance forces have been responsible for the dissemination of

false and misleading information concerning the existence of POWs in Southeast Asia.

Questions About U.S. Government Involvement  
with Private Efforts to Fund Lao Resistance

The Committee received evidence in the form of depositions, documents and affidavits<sup>160</sup> indicating that in 1982, officials of the National Security Council apparently had approved a proposed project intended to raise private funds for POW/MIA-related activities in Laos that ultimately resulted in funds being received by the Lao resistance. It was alleged that Richard T. Childress, a former member of the NSC responsible for Southeast Asia, Ann Mills Griffiths, Executive Director of the National League of Families, and former Congressman John LeBoutillier participated in raising these funds. The project ultimately would become known as Skyhook II.

Both Griffiths and Childress were fully cooperative with the Committee's investigation and both strongly deny any allegation or implication that they helped raise funds for Lao resistance groups.

Griffiths has asserted that:

The truth is that money which went to Thailand was solicited and spent by John LeBoutillier, not by the White House, in his attempt to gain proof of live prisoners...LeBoutillier asked for a valid non-profit group which could accept contributions and disperse them in support of his efforts to seek information and evidence of living U.S. POWs. Since it was not a League project and knowing that Support Our POW/MIAs still retained that status, I contacted Betty Bartels about the possibility...

Betty agreed to receive and disperse the funds, based on LeBoutillier's assurance as a sitting Member of Congress that nothing illegal would be undertaken and that the efforts were not counter to U.S. Government policy or law; however, neither the League nor Betty knew how the funds were spent.<sup>161</sup>

<sup>160</sup> See particularly: 1) Ivan Kalister deposition and associated exhibits; 2) Bert Hurlbut deposition and affidavit; 3) Errol Bond deposition and associated exhibits; 4) Francis Mullen deposition and associated exhibits; 5) John Fisher deposition and affidavit; and 6) John LeBoutillier memorandum to Ted Sampley dated October 10, 1992.

<sup>161</sup>Memorandum to the Board of Directors of the National League of Families, from Ann Mills Griffiths, June 8, 1987

In his Jan. 8, 1993 letter to Sens. Kerry and Smith, Childress wrote:

Apparently the press has a staff draft of the SSC report that alleges I, as a member of the NSC staff, supported the Lao resistance and facilitated gun-running. I labeled it as a smear and warned against publication.

As noted in my deposition, which appears to have been ignored in the draft report, to the contrary, I personally intervened with Congressmen Hendon and LeBoutillier in 1982 and indicated the White House could not deal with them if such activities were contemplated. We learned of this through a State Department cable that alleged Congressman LeBoutillier's representatives intended on raising a private army. I asked for and received a letter from Mr. LeBoutillier which was distributed in the government that he and his representatives would desist from such activities. I have never even met Congressman LeBoutillier's "agents," and they attempted to interfere directly in our negotiations with Laos, a matter of record.

Further, I ensured that official U.S. government intelligence activities would not use Lao resistance personnel, discouraged support for the Lao resistance by other groups (again it is a matter of record), deleted known resistance personnel from White House public events, and negotiated a joint communique with the Lao government that the U.S. would respect their independence, neutrality and territorial integrity due to their concerns over the Lao resistance and potential U.S. support. This was done to build the requisite trust between our governments to make POW/MIA cooperation possible.

I covered in my deposition the events surrounding Congressman LeBoutillier's requests of DEA and their subsequent disconnect with him due to some involvement with arms. I did not learn of the arms angle until later when called by Mr. LeBoutillier's attorney, ATF and subsequently DEA. I was informed earlier by DEA that the initiative could not be approved due to DEA budget restrictions. Mr. LeBoutillier asked me about arms on one occasion and I turned him down flat. That too is in my deposition.

I request that this letter be made a part of the record or appropriate corrections be made to reflect what actually transpired. Such blatant inaccuracies and omissions smack of an apparent attempt by someone on the Committee Staff with agendas other than the issue. If

true, it will certainly detract from what all hoped would be an objective report on a serious national issue that does not fuel more domestic attacks and allow concentration where it belongs, on Hanoi.<sup>162</sup>

In August 1982, a 501(c)(3) (tax-exempt) POW/MIA organization known as Support Our POW/MIAs, Inc. (SOP), headed by Betty Bartels, began receiving tax-deductible donations, which were then transferred to bank accounts in Southeast Asia and elsewhere for the Skyhook II project. Thereafter, as set forth below, approximately \$200,000 was raised from various donors for the Skyhook II effort.

Approximately \$156,000 of the donations were wire-transferred by SOP to a Bangkok bank account in the name of Mushtaq Ahmed Diwan upon instructions communicated to SOP by Griffiths. Information provided to the Committee indicates that Diwan is a friend or associate of Col. Al Shinkle (USAF, Ret.) and that the \$156,000 transferred to the Diwan account was subsequently provided to Lao resistance forces, presumably to fund efforts on their part to locate, identify and repatriate American POWs.

The chronology of SOP's involvement in the "Diwan Project" is well-documented in contemporaneous notes kept by Betty Bartels. According to those notes, Griffiths telephoned Bartels and requested SOP's federal tax number and the names of the members of SOP's board of directors.

June 22, 1982

. . . Ann wanted to use the [SOP] bank account to deposit some funds, from undisclosed sources, and later cable the funds to a bank account out of the country. Ann requested that I check with our bank how funds could be telegraphed overseas, i.e., by telephone call, in person, by mail, etc.

10 July 1982

I met with Ann Griffiths and Carol Bates in their room in the Stouffers hotel. There was no one else present. I was assured by both Ann and Carol that this project was completely 'legal' and involved nothing that was against the State Dept. policies, DoD policies, etc. . . . I was given permission to discuss this plan with my husband,

<sup>162</sup>Sen. Smith letter to Childress, Jan. 16, 1993, explains omission of Childress' complete letter was an omission; clarifies that Sen. Grassley referred a case to the Justice Department after the Committee's authority expired; and outlines factual inaccuracies corrected before the Report was filed with the Senate and printed by the Government Printing Office. A complete text of Sen. Smith's letter is contained in the Annex to the Report.

George Bartels and ask not to discuss it with anyone else. I was again reminded that it was most important this entire matter be kept in strictest confidence; that the National League of Families Boards were not aware of this. Only a U.S. Senator, to remain unnamed, and the White House, Ann, Carol and myself were aware.

Errol Bond, SOP's Vice President and accountant, testified that he:

assumed that Dick Childress was involved because Ann had indicated that it [the Diwan funding] had the blessing of the White House.<sup>163</sup>

Bond further testified that it was his understanding that the approval for the project:

. . . probably came from the President or somebody telling Dick Childress to go ahead.<sup>164</sup>

Thereafter, commencing on August 2, 1982 and continuing through 1985, SOP received checks totaling approximately \$200,000 and deposited them into its account at Security Pacific National Bank in Palm Desert, California. During this period, Bartels would telephone Griffiths and advise her of the receipt of the various checks and Griffiths would, by telephone, instruct Betty Bartels to wire-transfer the funds to certain accounts. Pursuant to instructions received from Griffiths, SOP wire-transferred these funds to certain accounts. Most of the money, approximately \$156,000, was transferred to an account at Bank of America, Bangkok, in the name of Mushtaq Ahmed Diwan. A smaller portion was transferred to an account at Chemical Bank in New York in the name of Narinder S. Saluja.

Narinder Saluja resides in Bangkok and was interviewed by the Committee via telephone in November 1992. He informed the staff that when monies were deposited in his New York account at Chemical Bank as described above, he would then transfer a like amount in cash to Shinkle in Bangkok. Saluja claims that Shinkle asked him to use his bank account as a conduit for money because Saluja had businesses in New York and Bangkok, enabling him to transfer money overseas quickly.

The Committee received evidence that most of these contributions discussed above were solicited by Bert Hurlbut, a Texas oilman who is convinced that live POWs remained in Southeast Asia. Hurlbut testified that Griffiths asked him in 1982 to raise private funds

<sup>163</sup>Bond deposition, p. 28.

<sup>164</sup>Ibid., p. 26.

to try to bring POWs back from Southeast Asia.<sup>165</sup> According to Hurlbut, he agreed to assist and was told that a tax-deductible foundation had been founded in California to handle the money; information about the account came via Griffiths.<sup>166</sup> Hurlbut was led to believe that the project had the blessing of Judge Clark and Richard Childress at the NSC.<sup>167</sup>

The money Hurlbut raised was transferred to the Bangkok account of Mushtaq Ahmed Diwan and then given to Shinkle and Patrick Khamvongsa.<sup>168</sup> According to DIA, Patrick Khamvongsa is a former member of the Royal Lao Air Force with ties to Phoumi Nosavan and other members of the Lao resistance. In 1984, Patrick began to work for Brig. Gen. Heine Aderholt (Ret.).

Evidence and depositions received by the Committee indicate that the funds transferred to the Diwan account went to a Lao resistance group for operations.<sup>169</sup> Bond testified that he learned in 1987 that some of the funds had been used to buy arms and ammunition for the Lao resistance.<sup>170</sup> U.S. intelligence agents contacted Hurlbut about his activities,<sup>171</sup> but he was not asked to cease fundraising for the Lao operations.<sup>172</sup> During that time, Hurlbut was an active member of the World Anti-Communist League and an associate of Gen. John Singlaub (Ret.) during the time Singlaub was actively raising funds and providing equipment to the Lao resistance.<sup>173</sup>

Staff notes from a June 21, 1990 telephone interview with Shinkle in connection with the work of a prior Committee state:

. . . Shinkle was asked if he had ever received any money through a bank account bearing the name Mushtaq Ahmed Diwan. Shinkle stated that he had. He continued

<sup>165</sup>Hurlbut deposition, p. 7.

<sup>166</sup>Ibid., p. 10.

<sup>167</sup>Ibid., p. 11.

<sup>168</sup>Ibid., p. 14.

<sup>169</sup>Hurlbut affidavit.

<sup>170</sup>Bond deposition, p. 72.

<sup>171</sup>Hurlbut deposition, p. 27.

<sup>172</sup>Hurlbut affidavit.

<sup>173</sup>Hazardous Duty, J.K. Singlaub, Summit Books, New York, 1991, p. 456.

by stating that he received approximately \$154,000.00 from this account. He believed the exact amount was \$153,212.00. The money was obtained through donations by former Congressman John LeBoutillier. The arrangement for the monies to be received in the Diwan account was done by Ann Mills Griffiths and Richard Childress. The account was established by a friend of his who is of Indian origin that he has known for some years. When asked what he spent the money on, Shinkle replied "Field Operations." The money [was] used to buy boots, field packs and other items for resistance groups in Laos. . .

Records of the Diwan bank account show that, during a portion of the relevant period, a total of \$578,689.42 was wire-transferred into the account from a variety of sources from various banks throughout the world. Other than as set forth above, the Committee was unable to locate Diwan, or determine either the sources or ultimate recipients of these funds.

In a deposition, Griffiths provided her account of the origins of the Skyhook II project. She stated that in June 1982, LeBoutillier sought to raise funds for a POW intelligence/rescue project which ultimately would become known as Skyhook II. LeBoutillier would discuss his proposed activity with both Griffiths and Childress. Griffiths said she understood that LeBoutillier was interested in obtaining intelligence information on live POWs and that it was his intention to then provide that information to the Government. Griffiths did not dispute the accuracy of Betty Bartels' SOP notes which reflect that officials at the NSC approved of the proposed project and that it was important that the existence of the project be kept secret.<sup>174</sup>

Griffiths agreed to help LeBoutillier by finding an existing charitable organization which would receive tax-deductible donations on behalf of LeBoutillier and then transfer those funds to Southeast Asia for the proposed Skyhook II project. Accordingly, she contacted an acquaintance who was an official of a dormant California 501(c)(3) (tax-exempt) organization known as Save Our POW/MIAs, Inc. Griffiths explained the situation to the official, Betty Bartels, and it was agreed that SOP would receive donations on behalf of LeBoutillier's project and then transfer those monies to bank accounts as directed by Griffiths and/or LeBoutillier. Approximately \$200,000 was raised from a handful of private donors who understood that their donations would be used to fund a clandestine POW project in Southeast Asia which had "the blessing of the White House."

#### Other Efforts Related to Lao Resistance Forces

<sup>174</sup>Griffiths deposition

The Committee learned of an attempt by LeBoutillier and others to obtain Government identification, radios and 10 handguns for Skyhook II's contacts within the Lao resistance movement.<sup>175</sup> Following discussions with officials of the Drug Enforcement Administration and the NSC, LeBoutillier purchased the handguns in Virginia in 1984 through an acquaintance. The handguns were intended to be shipped to Thailand for Skyhook II. Prior to purchasing the handguns, LeBoutillier had attempted to secure the assistance of DEA in providing Government identification and radios for Skyhook II's operations in Thailand. Although DEA apparently took preliminary steps towards providing government identification to Skyhook II's agents in Thailand, those efforts and any efforts to provide radios apparently were short lived. In addition, LeBoutillier sought DEA's assistance in transporting the handguns to Thailand.

After learning of the purchases of the handguns, the Bureau of Alcohol Tobacco and Firearms conducted an investigation of possible firearms violations. As a result of its investigation, ATF recommended that LeBoutillier be prosecuted for firearms violations related to his straw purchases of the handguns.

In 1986 the U.S. Attorney for the Northern District of Virginia declined to prosecute, based in part upon the fact that there was evidence that LeBoutillier's activities had been sanctioned by the U.S. Government. The investigation failed to determine what ultimately happened to the handguns.

#### Recent Reconnaissance and Rescue Missions

From at least the early 1980s, there have been several well-publicized attempts by American citizens to locate and rescue POWs believed to be held captive in Southeast Asia. Set forth below is a description and analysis of two recent such missions. The first was conducted in 1992. The second, conducted by three POW/MIA activists from Florida, took place in 1988.

#### Team Falcon

Team Falcon, a 1992 reconnaissance and rescue operation, raised more than \$60,000 from concerned citizens, including a POW/MIA family member. It was a futile exercise, doomed to fail from its inception because it lacked reliable information about the

<sup>175</sup>As part of its investigation of this matter, the Committee reviewed Bureau of Alcohol, Tobacco and Firearms case files and other documents, and took testimony from government officials. The depositions and files are archived as part of the Committee record.

existence and location of any POWs; second, the participants lacked the technical and logistical resources needed to ensure a mission's success; and because they relied almost exclusively upon an individual, Phoumano Nosavan, who is notorious for providing false information to POW hunters.

In late 1991, Ted Hendrickson and Charley Taylor, members of the Arkansas POW/MIA Verification Task Force, planned a mission to Southeast Asia to locate and rescue three American POWs. Hendrickson and Taylor are retired Vietnam veterans who are receiving 100 percent disability payments from the Veterans Administration for health problems relating to Post-traumatic Stress Disorder. They claimed that the mission was planned because they received "intelligence information" from Howard Funkhouser of Arkansas that purported to identify the location of live American POW/MIA's in Southeast Asia.<sup>176</sup> This information allegedly was supplied to Funkhouser by two Lao Americans, Bo Novilay and Phet Phayboun, yet this remains unclear. Funkhouser has written that even at that time, he maintained his belief that there were no MIAs left alive.<sup>177</sup>

Following a series of meetings in the Fall of 1991, Team Falcon was formed and began soliciting money. Approximately \$60,000 is known to have been raised from a variety of private sources.<sup>178</sup> Individual participants in the mission also spent considerable sums of their own money in connection with the effort.

The individuals primarily responsible for raising the money for the operation were Hendrickson, Taylor and Ted McGarry. By alluding to the possibility that they knew where POWs were being held, and withholding details about the mission in the name of "security," these men appealed to the hopes and fears of potential donors. Their urgent, emotional pleas extracted large sums of money with a minimum of explanation or evidence to support their claims. This demonstrates vividly the appeal of purported first hand live sightings.

The U.S. component of Team Falcon consisted of McGarry and Pam Heidinger, who had rented a "safe house" in Jacksonville, Arkansas. Their function was to maintain lines of communications between Thailand and the U.S. operations and to arrange the logistics of the POWs' entry into the United States following their "rescue." Thousands of dollars were spent on phone bills, rent for the safe house, food, travel, etc. Additionally, the Canadian Vietnam

<sup>176</sup>Taylor deposition Exhibit 3, p. 3.

<sup>177</sup>Ron Martin deposition Exhibit 7, page 2.

<sup>178</sup>Buckner deposition Exhibit 4, page 9. Taylor deposition, pp. 34-44.

Veterans of Toronto was asked to provide "security" at the airport upon the POWs return from Southeast Asia; 20 Canadian veterans were said to be available on 24 hours notice. Mike Gillhoolley, Chairman of the Toronto group's POW/MIA committee made several trips made between Canada and Arkansas and spent more than \$9,000 on the Team Falcon project.

At the end of January, 1992, Hendrickson, Taylor, Ken Carr (MIA Capt. Donald Carr's half-brother) and Baron Harris traveled to Bangkok to begin the mission.<sup>179</sup> They were preceded by Howard Funkhouser and his two Lao-American friends, Bo Novilay and Phet Phayboun.<sup>180</sup> There are conflicting accounts regarding the role these men played, but they returned to the U.S. in mid-February having done little more than paper work in connection with a POW/MIA search effort.<sup>181</sup> Their departure left Team Falcon in need of a translator/interpreter. McGarry contacted Khambang Sibounheuang and asked him to go to Bangkok to meet the members of Team Falcon. Khambang traveled to Bangkok in April 1992.<sup>182</sup>

According to Khambang, he travelled to a village near the Thailand/Laos border to assist Hendrickson and Carr in crossing the border. Khambang did not accompany Hendrickson and Carr into Laos. Poor planning, expired visas, and a lack of appropriate funding and equipment caused several delays. According to Khambang, members of Team Falcon spent approximately three days in Laos, no time in Vietnam or Cambodia, and two-and-one-half months in Thailand. Taylor claims that Team Falcon members Hendrickson and Carr spent up to 6 days away from the safe house in Thailand, but it is unclear where they were during those days. Team Falcon returned to Arkansas on April 13, 1992.<sup>183</sup>

An "After Action Report" summarizing Team Falcon's activities in Southeast Asia was prepared by Team members in May 1992.<sup>184</sup> This account states, in part:

. . . there are American POW/MIA's from the Vietnam conflict who are still alive in Southeast Asia.

<sup>179</sup>Khambang deposition Exhibit 11, p. 3.

<sup>180</sup>Martin deposition Exhibit 7, p. 4.

<sup>181</sup>Ibid., p. 5.

<sup>182</sup>Khambang deposition, p. 81.

<sup>183</sup>Ibid., Exhibit 11, p. 4.

<sup>184</sup>Ibid.

While not imprisoned in the traditional sense -- Team Falcon found no evidence whatsoever of the existence of any current POW camps, cages, caves or other restricted enclosures -- neither are these individuals free to return home. . .

Team Falcon personally investigated over 50 of these reports by actually visiting the alleged sites. We found no evidence, either physical or by interviewing area residents, that any of these sites currently serve as the location of a POW camp or confinement area of any type. . . In fact, we found no evidence whatsoever that there is any POW camp, cage, cave or similar restricted enclosure housing American POW/MIA's anywhere in Southeast Asia at this time.

Based on the accounts of those who either contributed money or participated directly or indirectly in Team Falcon, it would have been impossible for the Team Falcon members to have investigated the alleged POW camp sites, or the location know as "Site 85" as claimed in the Report.<sup>185</sup>

#### 1988 Mission To Southeast Asia

Three POW/MIA activists from Florida, Ron Martin, Tim Williams and Leonard Hood travelled to Thailand in 1988 for the purpose of rescuing certain POW/MIAs from Laos. Martin testified that:

. . . [W]e got some intelligence through activists -- people who had been going back and forth for years and building relationships with Free Lao, mostly, such as Phoumono Nosavan, the son of General Phoumi, people like that. And we had information that Tommy Hart, the son of Vera Hart, and Morgan Donahue and one other person -- we didn't know his name -- were near the border in Savannakhet. So we went over initially expecting to spend 2 weeks. And 2 months later we were still there. . . And we were unsuccessful.<sup>186</sup>

Like others who contacted Phoumono for assistance, Martin and his colleagues paid him for information and assistance in their search for missing American servicemen. Phoumono coordinates teams of armed escorts for cross-border forays. Martin describes these teams as follows:

<sup>185</sup>Martin deposition Exhibit 6, an analysis of the errors contained in the Team Falcon After Action Report.

<sup>186</sup>Martin deposition, pp. 8-9.

These guys don't stay in camp. They're not regular troops. When Phoumono puts together a group, he goes to homes. And we picked up a number of them in a van-like vehicle. You go to individual homes. They kiss their wives goodbye. I mean, some of them live in huts and real horrible conditions. And I think they probably paid them maybe 500 bhat [approximately \$25] to go. And that's the way a lot of these people --that's the only income they have. . . . We crossed the Mekong with about 29 indigenous people. Then we went towards Savannakhet, up and down hills, not on roads. We had no firefights. We ran into no concentration of troops. We stayed hidden mostly during the day. We only went about 70 klicks [approximately 44 miles] into the country. . . .<sup>187</sup>

Martin further described the role of the 29 indigenous "troops" hired by Phoumono:

[They were t]o be on call when Phoumono needed them. In other words, when he would say, we're going to go check out a POW camp in the Phong Sali area or something like that, sometimes they would go, sometimes they wouldn't. If they needed money, they would go. If they wanted to feed their family, they would go. Perhaps if they found a job, maybe they'll not go.<sup>188</sup>

During their foray into Laos, Martin's team, along with Phoumono and his 29 "troops," reached the point where the POWs were supposed to have been. When they approached the supposed camp, Phoumono insisted the group leave at once as there were too many enemy troops in the area. Martin testified that he did not see any of the troops but, not anxious for a confrontation, left the area. Martin testified that his share of the expenses for the trip (including travel, food, lodging, and payments to Phoumono) came to approximately \$14,000.

Martin's experience is evidence that a cottage industry in POW/MIA hunting has emerged in Southeast Asia as a result of the willingness of U.S. citizens to pay for "intelligence" and "mission support." For a few thousand dollars, people like Phoumono can secure weapons and hire a small force of armed escorts. Martin and others who have dealt with Phoumono have learned that his industry is riddled with deception:

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<sup>187</sup>Ibid., pp. 13-14.

<sup>188</sup>Ibid., p. 22.

If you want me to tell you after hindsight, I wouldn't believe Phoumono, I wouldn't trust Phoumono with anything, to tell you the truth.<sup>189</sup>

When asked why Phoumono provided false or misleading information, Martin posited:

It's got to be for money. It's the only reason I can guess. Also, I guess it gives him a little power. Money gives him a little power in his own community. That's the only reason I could guess, because with his operation he will certainly never regain Laos or become -- or gain the status of his father, General Phoumi.<sup>190</sup>

#### James "Bo" Gritz

James "Bo" Gritz' forays into Southeast Asia have been well publicized in the media and in books,<sup>191</sup> and he is regarded by POW/MIA activists to be the inspiration for the "Rambo" movies.

An excerpt from a report prepared in February of 1988 and distributed by the NSC in response to a congressional inquiry follows:

James "Bo" Gritz is a retired Army Lieutenant Colonel who became active in the POW/MIA issue during the late 1970s. At that time, the issue did not have the policy priority it does today. Relying on a variety of supporters, he has attempted to put together several "rescue attempts" in Laos based on unsubstantiated hearsay reports.

In the Spring of 1981, Mr. Gritz received considerable publicity when he disclosed "Operation Velvet Hammer," a POW-rescue venture sponsored by private citizens, and some family members of Americans missing in Southeast Asia. Operation Velvet Hammer was not connected in any way with the U.S. Government. This effort, which was not carried through, involved a "training camp" at a "cheerleading academy" in Florida, among other things. Later, Mr. Gritz was publicly disavowed by his associates and supporters, the media and the National League of Families. The legality of his fundraising was questioned by vulnerable family members, one of whom lost \$30,000. After receiving adverse publicity, Mr. Gritz surfaced a

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<sup>189</sup>Ibid., p. 34.

<sup>190</sup>Ibid., p. 41.

<sup>191</sup>See, e.g., The Heroes Who Fell From Grace, C.J. Patterson & G.L. Tippin, Dell Publishing Co., New York, 1985.

letter, which he alleged was from the late Lieutenant General Harold Aaron, USA, former Deputy Director of the Defense Intelligence Agency, implying a connection between his activities and the Defense Intelligence Agency. An FBI analysis of the letter revealed a number of differences between the signatures on that letter and that of General Aaron, inconsistencies in the language of the letter, and other facts that led to the conclusion that the letter is not authentic. General Aaron was not alive when the letter surfaced.

In October 1981, a low-level Department of Defense organization submitted a proposal for an operation that included Mr. Gritz's participation in a collection capacity. This proposal, submitted by an acquaintance of Mr. Gritz in the organization, never rose above the first level in the approval process. However, in unwarranted anticipation of the concept being approved, the organization prematurely provided Mr. Gritz with initial travel funds and some equipment. Following disapproval of the proposal, this organization informed Mr. Gritz that he did not enjoy any official support.

With this exception, there has been no U.S. Government sanction, encouragement, funding or approval of Mr. Gritz's activities by the White House or by any Executive department or agency of the government. In fact, the U.S. Government has attempted in every way to oppose his activities and has advised him that he was operating counter to Government policy. He has attempted to fund his alleged POW rescue operations through use of a now defunct tax-exempt veterans organization, thousands of dollars reportedly donated by a religious organization, and donations from MIA family members and other private American citizens.

In 1983, Mr. Gritz commenced new activities with new supporters, including Hollywood personalities. He made his way to Thailand with a group of veterans and POW/MIA daughters whom he placed in a "command headquarters." From Thailand, he crossed a short way into Laos with a faction of the Lao resistance and some veterans. After confrontation with a rival Lao resistance group, Mr. Gritz's group immediately left Laos. Mr. Gritz and his party were arrested by the Thai Government, declared persona non grata and expelled. Mr. Gritz's allegations that he had evidence that POWs were being held and that the U.S. Government supported his activities were exposed as untrue in hearings conducted by the House Subcommittee on Asian and Pacific Affairs in March 1983.

Following these events, Mr. Gritz produced "evidence" implying to Congress and the public that he had proof that a specific individual was held prisoner. It subsequently was demonstrated that the "evidence" consisted of altered documents. Mr. Gritz was subsequently expelled from the Special Forces Association and was the subject of media scrutiny. . .

Throughout his years of involvement, Mr. Gritz contributed nothing of value to the POW/MIA issue. In fact, his activities have been counterproductive. Supposed MIA remains he turned in were determined to be animal bones. His rescue "missions," based on faulty or fabricated intelligence, have been assessed as being so undermanned and poorly planned that they had virtually no chance for success. His alleged foray into Laos was used as a basis by that country to suspend government-to-government cooperation on this issue for a year. He has distributed leaflets in Southeast Asia that falsely claim Presidential support for his activities and that falsely describe himself as an active duty full Colonel. . . .

In his testimony, Gritz said he was covertly funded by the U.S. Government for certain of his operations. With the consent of the head of a POW/MIA organization known as United Vietnam Veterans Organization (UVVO), Gritz opened a chapter of UVVO and established a UVVO bank account at Tokai Bank in Playa Del Ray, California in or about 1986. Gritz testified:

If I got the word to go on the operation, I said fine. If the money shows up in this UVVO account, then we will go. If it doesn't show up, we don't. And so the money, if it showed up we went.

Where the money came from, I didn't know and didn't care. As a matter of fact, when we trained Afghans we got our checks from Stanford Technology. I didn't know what Stanford Technology was, didn't give a hoot. It was just standard procedure until, when Ollie North's thing started coming around here's Stanford Technology is part of Albert Hakkim's organization. So what does that mean? Well, so we used UVVO as a depository where covert funds could be placed for these operations.<sup>192</sup>

Gritz further testified the covert payments from the Government were received via a Florida bank account and that on one occasion his wife picked up a cash payment of \$25,000 at a Washington area

<sup>192</sup>Gritz deposition, p. 123.

supermarket.<sup>193</sup> Gritz' code name for these activities was "Bear" and he testified he was in frequent contact with ISA and CIA about his covert operations. In November 1992, the Committee received declassified documents evidencing that the U.S. Army began using Gritz in mid-1981; however, it appears this was done to track his private activities to ensure they did not interfere with other U.S. initiatives.

Much of Gritz' activities appear to bid for public attention. While first avoiding Committee investigators' requests for a deposition, and then pleading for an extension so he could finish his presidential campaign, Gritz launched a mini call-in campaign by supporters demanding that he be deposed.

#### Dissemination of Unreliable Information

A cottage industry specializing the creation and dissemination of false POW/MIA information and "POW/MIA hunting" has emerged in Southeast Asia, particularly in Thailand. Certain individuals provide, for a fee, illegal cross-border transportation into Laos, armed escort, mission coordination and related services. It appears that these same individuals and others provide the "intelligence" that prompts the mission in the first instance -- a textbook perfect industry because it creates the demand and fills it, too. The market for this "intelligence" exists in part because of Government failure to inspire credibility that it is working honestly and effectively to provide a full accounting for POW/MIAs; and in part because the information vacuum created when the Government suspended the release of new POW/MIA information in 1980.

In the course of its investigation, the Committee was unable to determine the identities of persons who create bogus POW/MIA information. All involved say they got information that they believed to be accurate, and that they were diligent in deciding who to trust. However, the Committee did learn that over the years certain individuals in the U.S. and abroad have, wittingly or unwittingly, been involved in the dissemination of purported POW/MIA information which subsequently was determined to be unreliable, if not fabricated.

#### Col. Jack Bailey

Col. Jack Bailey (USAF-Ret.), a veteran of World War II, Korea and Vietnam, and a highly decorated pilot, is the founder and chairman of Operation Rescue, a nonprofit organization involved in the POW/MIA issue.

<sup>193</sup>Ibid., p. 128.

Founded in 1981 to rescue Vietnamese refugees, according to its filing for an exemption from taxes as a non-profit organization, Operation Rescue turned its attention to the POW/MIA issue in the mid-1980s. Its fundraising solicitations and press releases told stories of how the Vietnamese "boat people" were often sources of POW/MIA live sighting reports. Operation Rescue sought to rescue these individuals from the high seas as they attempted to escape Vietnam and debrief them about any information they might have on missing American servicemen. To accomplish these high-seas rescues, Operation Rescue used a rusting, World War II-era ship called the *Akuna*; after a time, the *Akuna* was at anchor in Songkhla Harbor for years at a time, never leaving to undertake rescue missions.

Solicitations and other information put out by Operation Rescue often contained statements to the effect that Bailey knew the identities and locations of missing American servicemen being held against their will in Southeast Asia. Bailey's information supposedly obtained during intelligence-gathering missions. None of the information has ever been corroborated or otherwise deemed accurate.

Bailey has been associated with the release of the photographs that purport to depict U.S. Army Capt. Donald Carr, but were in fact photographs of a German exotic bird smuggler, Guenther Dittrich. An account of the dissemination of the bogus Carr photo appears later in this chapter.

In 1987, Bailey claimed to have repatriated the remains of a missing American serviceman, remains later determined to be those of an Asian woman. Bailey used the remains, wrapped in an American flag, as a prop when asking for donations to continue his search for POW/MIAs.

#### Col. Albert Shinkle

Col. Albert Shinkle (USAF, Ret.) has resided in Bangkok, Thailand since 1976 and is a major player in the POW/MIA issue. He has received numerous awards and decorations including the Distinguished Flying Cross, two Bronze Stars, 15 Air Medals, an Airman's Medal, two USAF Commendation Medals, two Joint Service Commendation Medals, and more than a dozen battle campaign stars. Acting as an agent for POW/MIA groups, Shinkle provides field reports that contain purported evidence of live POWs in Southeast Asia. During the last nine years of his military career, Shinkle was involved in military espionage and was stationed in Southeast Asia where he developed a number of contacts with Lao people. One of Shinkle's sources of information is Patrick Khamvongsa, a former member of the Royal Lao Air Force with ties to Phoumi Nosavan and other members of the Lao resistance.

Shinkle testified before the Committee and later failed to appear for both a scheduled public hearing and a deposition. Copies of some of the field reports that Shinkle used as the basis for statements by Skyhook II and Veterans of the Vietnam War, Inc. in fundraising appeals are misleading, as set forth below.

#### Khambang Sibounheuang

Khambang Sibounheuang is a Lao national who has become a naturalized U.S. citizen. He is the source of a considerable amount of information from Lao freedom fighters. According to Khambang, he receives this information from people in Laos who he has never met and who do not ask him for remuneration of any kind. To date, no information provided by Khambang has resulted in a serious lead about the identification, location or repatriation of an live American POW/MIA, and most of it has been determined to be fraudulent. According to DoD:

Khambang Sibounheuang is a former Royal Lao Army serviceman, now a naturalized U.S. citizen residing in Memphis, Tennessee. He states he was a Captain in the royal Lao Army. Our best information is that he was an enlisted man in the Royal Lao Army. He is now bailiff for Judge Hamilton Gayden, a self-described POW/MIA activist. Khambang has been active in the POW/MIA issue for a number of years. This paper will outline Khambang's activities as known and documented by the Department of Defense.

Khambang is a former member of the Neutralist faction of the Lao resistance. He led the organization in the United States for several years and at one point may have been its elected leader. Khambang was removed from his position with the Neutralist faction after the leader of the Neutralists, former Lao General Kong Le learned that Khambang had fabricated POW-related information and had attempted to use the POW issue for personal gain.

In the past, Khambang was associated with Bo Gritz and he was for a period Gritz' primary source of information for POW's. Khambang later became associated with retired Major Mark Smith, another POW/MIA activist. His current relationship with Smith is unknown.

DoD's first involvement with Khambang occurred in 1985 when he approached DIA and offered to work the POW issue in exchange for \$4,000, which was to be used to support the Neutralist faction of the Lao resistance. Khambang's offer was rejected by DIA.

In November 1987, Life Magazine published an article about POW/MIAs. A prominent portion of that article was

devoted to a photograph purported to depict an Air Force Lieutenant Colonel Charles S. Rowley. The photograph was provided by Khambang to Captain Eugene "Red" McDaniel, USN (Ret.). Captain McDaniel provided the photo to DIA in August 1987, and investigation was underway when the photo was published by Life Magazine. Photo analysis established that the individual pictured was not Lieutenant Colonel Rowley. The Rowley family confirmed the photo analysis.

In 1990, Khambang passed bogus dog-tag information to his superiors in the Arlington (Virginia) Police Department where he worked as a clerk. The information was determined to be fabricated and DIA traced the information back through the Arlington Police Department to Khambang. The Department was informed that Khambang was an established POW/MIA source of questionable reliability.

In the fall of 1990, Khambang passed a roll of film and other information related to the purported Borah photograph to Judge Hamilton Gayden, then his employer in Tennessee. Khambang received the information from a blood relative now residing in Thailand. Judge Gayden provided the information to the family, who then contacted Senator Bob Smith for assistance. The photos had not been made available to DoD until July 1991, when Senator Smith appeared on Today Show with Daniel Borah, Sr. and the photographs. After receipt of the information, a joint Lao-U.S. team interviewed, photographed and finger-printed the individual identified as Borah and photographed in Laos. The photo depicted not Lt Daniel V. Borah, but rather a 77 year old Lao highland tribesman, Mr. Ahroe. Khambang told Bill Gadoury, a U.S. POW/MIA investigator in Bangkok, that the individuals who passed him the roll of film did so for the purpose of obtaining a reward.

Sometime during the summer of 1991, Khambang obtained another photograph, this purported to depict Navy Lieutenant Commander Larry Stevens, USN. (Stevens was also said to be depicted in the photograph of three individuals, positively identified by their families as Colonel John L. Robertson, LCDR Stevens and Major Albro Lundy. The Stevens photo was said to have been taken in Vietnam and the individual identified as Stevens is pictured with his arm around an Asian woman. At the request of members of Congress, the staff of the Senate Foreign Relations Committee was provided a DoD aircraft to transport Khambang to Southeast Asia to locate his sources of the "Stevens" photo. Khambang produced his source and the individual was polygraphed. He failed the

polygraph and indicated deception in nearly all of his responses. DoD is continuing to investigate the "Stevens" photograph.

To date, Khambang has provided information on a number of occasions to POW/MIA activists and others interested in the POW/MIA issue. The descriptions above are illustrative, not exhaustive. Every dog-tag report, every report of remains, every photograph and every other report about POW/MIAs, with the exception of the as yet unsolved "Stevens" photo, provided by Khambang has proven to be false.

In his sworn deposition, Khambang was asked about his motives and observations:

Q. What I'm struggling with and what a lot of people are struggling with is if the freedom fighters have the capability to apparently go out and find and locate these POW's, why don't they have the ability to physically rescue them? Why hasn't that happened?

A. I'm not in Laos with the freedom fighters. I think that's a good question. It's not easy to rescue Americans in the captive by freedom fighters. To me that I know that freedom fighters also explain to me, they say day-by-day in Laos they try to avoid conflicts with the Laotian Government, with the Vietnamese soldier. They are not trying to fight with those people, but they try to stay in Laos and keep on struggle for their country.

Q. [W]hy haven't American POW's been rescued by freedom fighters?

A. I don't know. I don't know why the freedom fighters -- you asked me why -- if the prisoners of war still alive over there, why the freedom fighter cannot rescue them.

Q. Yes.

A. I cannot answer. I don't know why. Because I just can tell you like I told you before, the freedom fighters, it's the less amount of the military struggle with the Vietnamese. The Vietnamese now are 125,000 soldiers in control of Laos. The freedom fighter is a small amount of the living in the individual section in Laos. So I think they don't have any capability to launching the operation to rescue American from 10,000 of Vietnamese control. I don't think they can do that. That's all I can answer you.

#### Photographs

Some of the most compelling "evidence" of Americans alive in Southeast Asia are photographs of persons alleged to be POWs. In July 1991, three photographs purported to be American POWs, were made public. The photos became known as the Borah photo, the Carr photo, and the Robertson-Lundy-Stevens photo. Analysts of the DIA POW/MIA section, the Stony Beach Team in Bangkok and the JTF-FA conducted extensive investigations into each photo and determined they were not photos of American POWs. The Committee reviewed DIA's reports of its investigation of these photographs and Committee staff interviewed and deposed some of the people involved in the transmission and investigation of the photographs, including Khambang, Carr family members, Bailey, and McDaniel.

The Committee also learned there are numerous copies of the "blue book," a book of precapture photos compiled by DoD for use in debriefing returned POWs. Hundreds of copies of the book of photographs were printed and circulated within the Armed Services, many of which were believed to have been lost at the fall of Saigon in 1975. The book, with corresponding names redacted, has been declassified.

#### The Rowley Photo

In 1987, a Lao freedom fighter and member of Kaboukanh Kousat, a Lao resistance group stationed near the border of Thailand and Laos, mailed photographs of a Caucasian identified as "Roly" to Khambang in Tennessee. The letter accompanying the photographs indicated that the Lao man had obtained the photos by bribing a Pathet Lao guard of American POWs. Khambang had never met this man prior to receiving the photos. He delivered the photographs to a friend, Dr. Frank Lockhart, who is an electronics salesman with a Ph.D. in psychology. After reviewing of a list of MIAs, Lockhart concluded that the name "Roly" could be correlated to Lt. Col. Charles S. Rowley, an MIA since April 1970 when his aircraft was shot down over Laos.

Photo analysts at the FBI, CIA and DIA compared the photo with a photo of Rowley and concluded that it was not him.

#### The Borah Photos

In the summer of 1991, Khambang received additional photographs from unknown members of the Lao resistance who claimed that they depicted MIA Daniel V. Borah. Khambang provided these photographs to Judge Gayden, who publicized them. Members of the Borah family remain convinced that the pictures depicted Borah.

Judge Gayden and Khambang are in the process of writing a book about their involvement with these and other photos. Khambang provided the Committee with synopsis of the book, titled Sit Down and Shut Up, which contains the following passage about the Borah photo:

The "Borah" photographs actually consist of 23 photographs of a man Judge Gayden identifies as "Dan Borah." The photographs were developed here in America. The individual who took the photographs in Laos in July 1990 immediately threw the camera into a river near the site where the photos were snapped. He is presently living in another country and is partially supported by Khambang and Judge Gayden. The man who took the photographs knew the subject only as "Ahmee," Laotian for "American." After months of research Gayden recognized a 1987 Life Magazine photo of Borah, and we believe it is the correct identity.

Following publication of the Borah photo in July 1991, the Government requested the Lao Government's assistance in searching a region in southern Laos from which Khambang had previously obtained photos. Shortly thereafter, the Lao Government found the individual shown in the alleged Borah photos and determined that he is a Lao hill tribesman from southern Laos named Ahroe. Representatives of the Government interviewed, finger-printed and photographed the Lao man; concluded that the individual shown in the photo had been found and that he was not Daniel V. Borah; and made a public statement to that effect.

The DIA's investigation determined that the photo was taken by a Lao national in cooperation with Lao refugees in the Na Pho Camp, northeastern Thailand. One of the refugees, Khambang's cousin, asked a Lao national to take the pictures after the Lao claimed that he had observed Americans in Laos. When the Gayden and Borah family members challenged the DIA's work, alleging it was fabricated, arrangements were made to introduce two family members to Ahroe in Laos. It was the first time the Government of Laos had permitted POW/MIA families to travel outside of Vientiane, the capital.

#### The Carr Photo

In July 1991, Bailey (USAF Ret.) publicized a photo of a Caucasian male Bailey claimed was Captain Donald G. Carr (USA). Bailey had obtained the photograph through an intermediary and had no first-hand interaction with the man depicted in the photograph who, Bailey said, was being held prisoner in Laos by Vietnamese forces. He was wearing a short-sleeved blue polo shirt and watch that Bailey claimed he had provided the photographer, with instructions that the subject be instructed to wear them in order to help authenticate the picture. The intermediary told Bailey that the man in the photo was named "Garr."

In 1992, following an intensive investigation by DIA and the media, it was determined that the individual in the photo was Guenther Dittrich, a German national then in jail on charges of smuggling exotic birds. Dittrich admitted that he was the individual in the

alleged Carr photo and said that the photo had been taken by a tourist in Bangkok. After Lt. Col. Norman Turner (USAF, Ret.), an associate of Bailey's, suggested Dittrich was a "Pentagon twin" created to end publicity about the Carr case, Carr's ex-wife travelled to Germany to meet with Dittrich and testified that she was satisfied that he was not Carr.

The "Carr" photograph incident clearly illustrates the ability of those persons intent on disseminating bogus POW/MIA information to create convincing evidence that POW/MIAs remain alive in Southeast Asia. Some is so convincing that it has fooled the experts into concluding that these photos depicted MIAs. For example, Dr. Michael Charney, a forensic anthropologist and Director of the Forensic Science Laboratory at Colorado State University reported that the man in the subject photo was in fact Donald Gene Carr, and stated scientific bases for his conclusion. In fact, the subject was much shorter, and of a much slighter build, according to Carr's ex-wife.<sup>194</sup>

#### The Robertson-Stevens-Lundy Photo

In August, 1990, DIA obtained a blurry black-and-white photograph of three mustachioed men holding a white sign containing the numbers "25-5-1990." In November, 1990, POW/MIA families obtained copies of the photograph. In July, 1991, the photograph was widely publicized, including on the cover of Newsweek and on billboards in several cities. The three men shown in the photo were reported to be Col. John Leighton Robertson (USAF), missing in North Vietnam; Maj. Albro Lundy (USAF), missing in central Laos, and Lt. Cdr. Larry J. Stevens (USN), missing in southern Laos.

Capt. Eugene "Red" McDaniel (USN Retired) was also involved in the dissemination of this photograph. McDaniel, founder of the American Defense Institute, has been a major player in the POW/MIA issue for more than a decade. He is a retired Navy Captain who was held as a POW in North Vietnam from 1967 to 1973 and was brutally tortured. He was twice awarded the Legion of Merit Award, the Navy Cross, two Silver Stars, a Distinguished Flying Cross, three Bronze Stars with combat "V," and two Purple Hearts for wounds resulting from the torture he endured as a POW.

As part of his efforts, McDaniel has disseminated information he and others (including many family members) believed to be evidence of live POWs in Southeast Asia. This evidence includes photographs of purported POWs and statements from purported eyewitnesses. None of this information has been corroborated, but it has been used in ADI solicitations and public statements for many years.

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<sup>194</sup>July 25, 1991 letter to Tracy Usry, Chief Investigator, U.S. Senate Foreign Relations Committee, minority staff.

Set forth below is a portion of DIA's report on its investigation of the Robertson-Stevens-Lundy photo:

Although the photo was made public in July 1991, it actually came to DIA's attention in August 1990, however, there were no names associated with it. In early November 1991, the photo was forwarded by a Cambodian national in the United States by fax machine to State Department and to DIA/POW-MIA. The names Robertson and Sievens (a variation of Stevens) were reported as being two of the three individuals shown. According to the Cambodian, the individuals were alive in Cambodia and could be released for a reward.

In December, 1990, the photo surfaced in Site 2, a Cambodian refugee camp in Thailand. A Cambodian refugee reported that two of the individuals shown were Robertson and Stevens. In early 1991 the name Lundy was also associated with the photo.

The investigation into the photo took State Department and DIA personnel to Hanoi, Vietnam; Vientiane, Laos and Phnom Penh, Cambodia, as well as throughout Thailand. The DIA Stony Beach team determined that a Cambodian fisherman/refugee in Thailand received the photo, along with four others, from a Cambodian national in Kampong Som, Cambodia around May or June, 1991, and that the fisherman took the photos to the American Embassy in Bangkok. Other than the several names scribbled on some of the photos, there were no names associated with the individuals shown in the photos, especially the photo of the three.

In July 1992, a DIA team travelled to Phnom Penh and with the cooperation of the SOC Government interviewed several sources relative to the origin of the photographs. In the Soviet Cultural Center in Phnom Penh the team found a Soviet magazine which included three of the original five photos which surfaced in Thailand; the photo of the three was not found. In August 1992, the fourth photo was found by DIA in Washington, DC in a Soviet journal.

The DIA Stony Beach team in Bangkok continued its investigation into the photo of the three and in early 1992, with the cooperation of researchers from the SOC Government, found the fifth and final photo, the photo alleged to be Robertson, Lundy and Stevens, in a [1923 edition of] Soviet Life magazine in the National Library in Phnom Penh.

Thousands of man hours were expended by DIA personnel in pursuit of the origin of the photo of the three. Without

the cooperation of the SOC Government this case might well still be unresolved. In the meantime, the families of Robertson, Lundy and Stevens have been informed that the photo of the three was nothing more than a cruel hoax perpetrated by Cambodian nationals.

#### Dog-Tag Reports

The Committee reviewed DIA's analyses of several thousand "dog tag" reports and hundreds of live sighting reports which purported to be associated with POW/MIAs. In addition, the Committee has reviewed DIA analyses of several prominent photographs which were represented by their sponsors to depict POWs in a captive environment after Operation Homecoming. Following analysis, DIA determined that none of these photographs and none of the "dog tag" reports provided any credible evidence of the existence of POWs following Operation Homecoming. Similarly, with the exception of live sighting reports correlated to Robert Garwood, none of the live sighting reports are currently believed, by DIA, to relate to any POW after Operation Homecoming.

Set forth below is a July 1, 1991 statement from DIA's Special Office of POW/MIAs concerning "dog tag" reports.

Over the past decade one type of report has been received most often by the Defense Intelligence Agency's Special Office for POW/MIAs. These accounts are referred to as "dog tag" reports. Since mid-1982, over 6,300 of these reports have been received and more arrive daily.

In most dog tag reports a person or persons--many of them residents of Vietnam--claim to possess the remains of one or more Americans. As proof they offer data copied from military identification tags (dog tags), tracings or photographs of dog tags, authentic dog tags or other identification documents. More than 5,100 U.S. military men have been named in these reports. Of these, 91 percent served in the United States armed forces, but were not casualties of the Vietnam War. Another 6 percent were killed, but their bodies were recovered, identified and returned to the U.S. for burial. Thus, it is impossible that their remains are held by the people claiming to have them. Only three percent of the dog-tag reports name a man who is missing, suggesting that his remains or personal effects have been recovered from battlefields or crash sites. However, the evidence indicates it is unlikely that these items were recovered by private citizens.

In many cases several different people claim to have the remains and/or personal effects of each of the named men. Frequently, sources profess to have recovered the same

items on a different date or at a different location. This indicates that the people did not obtain their data by recovering items from battlefields or crash sites. For instance, two of the men whose remains and dog tags several persons claim to have found, are in fact former POWs who returned alive--their dog tags had been kept by their captors.

Further, throughout the war the communists enforced a policy to find and bury Americans killed in action and to send to central authorities a report of the burial site along with the personal effects and identification taken from the body. They continually stressed that this was important to the "political struggle.." Thus, the governments of Vietnam and Laos should have knowledge of the missing men whose names have appeared in dog tag reports.

Often there are tragic aspects to the dog tag reports. Many of the sources have been led to believe that possession of American remains will assist in their resettlement to the U.S. This has prompted some people to pay for the dog tag data. In fact, the U.S. provides no rewards or assistance for POW/MIA information.

Considering the policy and practices of the Indochinese governments to collect material on U.S. war dead, coupled with the patterns in the dog tag reporting, the evidence indicates that the majority of reports reflect information and personal effects recovered by Vietnamese forces, not private citizens. Years of investigation and analysis have shown that the dog tag reports have been instigated by elements of Vietnam's government in an effort to influence and exploit the POW/MIA issue. Nevertheless, each report is carefully analyzed to determine its validity.

#### Discussion

It is a relatively easy task to assemble identifying information about MIAs and then use that information to support a bogus POW/MIA report. In addition to the hundreds of copies of the classified "blue book," which contained the names and precapture photographs of unaccounted-for personnel, both the Government and private groups published numerous lists of POW/MIAs with the kind of information typically included in bogus POW/MIA reports. In one case, flyers advertising a reward for the return of a missing serviceman contained his parents' zip-code; a response that included that information was considered credible because of it. It is not surprising therefore, that bogus dog-tag reports and photographs usually contain some evidence which can be correlated to MIAs.

As part of its investigation, the Committee sought to determine why bogus reports of POWs continue to surface in view of the Government's longstanding and publicly stated policy of not paying for POW/MIA information. One possibility is that some are being disseminated as part of a conspiracy to discredit or otherwise destabilize the Lao Government. It has been suggested that various factions of the Lao resistance movement have been selectively "planting" information through Khambang and others, to obtain support for their cause and to continue the enmity between the Government and the communist Lao government.

Gritz advanced another theory. The case of the "Carr" photo incident was "too sophisticated an operation for the Thais or the Lao living in Thailand, the Phoumi's [of the world], to pull off."<sup>195</sup> Gritz further speculated that Bailey:

would have been a perfect set-up for [the "Carr" photo]. Jack would have jumped on that photograph, and he did, just like a robin on a June bug. . . . But it's too sophisticated. I still don't believe that the Thais did that. I believe that our own folks [Government] did that and set old Jack up. It was just too slick to have whoever it was, ABC or somebody, right there. So I think Jack was stung and I think it hurt him. You know, hurt him personally. He got real mad about it, I understand, and it may have curbed his operation.<sup>196</sup>

Other theories are:

that these bogus reports are the work of organizations hostile to the Government which are seeking to "tie up" its resources by forcing it to track down the bogus reports; that these reports are a predictable response to leaflets, flyers and other announcements, circulated in Southeast Asia, which promise rewards by private groups for POW/MIA information; that dissemination and publication of any POW/MIA information, bogus or not, keeps the POW/MIA issue, and million-dollar fundraising operations, alive.

It has become apparent that in both Southeast Asia and the United States, information that purports to demonstrate that POWs are alive POWs is eagerly consumed by those who are eager to believe. Despite the fact that none of the information has ever resulted in the return of a live American, the demand for and hope resulting from such information appears to be as strong as ever. Unscrupulous individuals throughout Southeast Asia are aware of

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<sup>195</sup>Gritz deposition, p. 108.

<sup>196</sup>Ibid., p. 109.

this, and the volume of false POW/MIA information continues to rise.<sup>197</sup> To one committed, but frustrated, activist, it seemed that "every cab-driver, vagrant and baggage handler in Thailand runs a POW scam."<sup>198</sup>

#### Reward Offers

Commencing as early as the 1960's the U.S. Government provided its servicemen in Vietnam with "blood chits" which were documents promising a reward for the safe return of the serviceman to U.S. authorities. The "blood chits", which were written in local languages, were to be used by American servicemen to secure their release in the event they were captured. In addition, in the 1970's the National League of Families endorsed the use of rewards to encourage the release of POWs.

Since the mid-1980's several highly-publicized reward initiatives have been undertaken. Some believed that the most effective way to return a live POW would be to offer a financial incentive to those who might be able to help an American escape. To date, nobody has collected publicized rewards by producing a live POW. DIA and others have suggested that these reward offers have fostered the dissemination of false POW information by those who believe they will eventually be rewarded.

In 1987, out of frustration, 21 members of Congress, including Sen. Bob Smith, the Committee's Vice Chairman, and Committee member Sen. Hank Brown joined with McDaniel's American Defense Institute (ADI) in pledging a reward totalling \$2.4 million for the release of an American POW from Southeast Asia. The reward was to be for the release of a POW to U.S. authorities, and not for information about POWs, or for rescue/reconnaissance missions. Under its terms, the reward could only be paid to persons indigenous to Southeast Asia.

On January 23, 1988, the ADI launched "HOME FREE!/The Committee of 40 Million," a campaign to raise \$1 billion, that would be enough rewards for more than 400 POWs, through pledges of \$25 each from 40 million Americans to serve as a reward for the release of American POWs from Southeast Asia.

Also in 1987, Hendon, who worked for ADI, signed a solicitation letter which sought to raise \$500,000 in order to publicize a \$1 million reward (in gold) in Southeast Asia. The fundraising letter stated in part:

<sup>197</sup>"Every cab-driver, vagrant and baggage-handler in Thailand runs a POW scam." Martin deposition Exhibit 6, p. 4.

<sup>198</sup>Martin deposition Exhibit 6, p. 4.

I can clearly picture some impoverished prison guard in tattered fatigues, enticed by the offer of a huge reward, escaping with his family and one of our men. Can't you just picture that too?

We're ready to buy time on Vietnamese language radio stations in the Philippines and elsewhere in Southeast Asia to broadcast news of the reward. We'll be placing full-page ads in every Vietnamese language paper and magazine we can get our hands on.

We plan to purchase 10,000 copies--in the Vietnamese language--of hit movies like Rocky, Indiana Jones, and Kung Fu, and intersperse our reward offer into the videotapes. . .

In August 1988, Hendon announced that the ADI would open an office in Thailand to spread the news of the reward, due to the difficulty they had encountered in securing advertising time. "You just can't buy any news ads in the Hanoi daily. . . ," Hendon explained.<sup>199</sup>

In 1989, Hendon, through the POW Publicity Fund, sought to publicize the \$2.4 million reward by launching helium balloons from a boat in the South China Sea. Each balloon was to carry a message in Lao and Vietnamese, sealed in a Zip-Loc bag. The POW Publicity Fund ran a series of advertisements to raise money for this endeavor.

Hendon also planned to launch balloons into Laos and Thailand, across the Mekong River. When Thai officials refused to permit this on the grounds that it might damage Thai-Lao relations, Hendon and his group obtained permission to float the rewards offers down the Mekong River instead. Several POW/MIA family members travelled to Southeast Asia to assist in the distribution of the reward offer. DIA, however, opposed the reward offer, claiming that it fostered bad information.<sup>200</sup>

Others also have criticized the ineffectiveness and negative impact of reward offers. Gritz testified that:

Very frankly, the Lao people would not know what to do with a million dollars. They're living in a land of communism. They can't have it. They wouldn't even conceive what a million dollars would be. That's 26 million baht. They're happy to have 20 baht [approximately one dollar]. So those kind of figures don't translate over there. . . .

<sup>199</sup>Asheville, North Carolina Citizen-Times, August 5, 1988.

<sup>200</sup>Gray deposition, November 16, 1992, pp. 35-36.

. . . high rewards are not the name of the game. It doesn't work. It doesn't compute to real terms. And so that one, and then Hendon's \$2 million where the Congressmen all got together -- it could be \$2 billion. It wouldn't -- well, as a matter of fact, maybe \$2 billion, the Vietnamese Government might decide or the Lao may decide hey, now we're talking turkey here, and they would be willing to exchange prisoners for that amount of money. But those kind of things, as far as I'm concerned, never helped over there. They only hurt the operation there.<sup>201</sup>

The Committee notes, however, that Gritz' is not the only opinion on the issue. Family members who travelled to Southeast Asia with Hendon to assist in the distribution of the reward offer hold different views.

#### Fundraising

In stark contrast to the vast majority of volunteer POW/MIA organizations, stand a few private organizations who solicit money from millions of American households. In response, the American public has contributed tens of millions of dollars to the POW/MIA cause since Operation Homecoming. In many instances, however, well over half of the money raised was spent on fundraising. This exorbitant rate, while not illegal, would certainly come as a surprise to those who contribute and is inconsistent with standards set by nationally recognized organizations which monitor the fundraising activities of public charities.<sup>202</sup>

Congress, Government officials, POW/MIA families and members of the public and others have raised questions about the propriety of fundraising activities conducted by the handful of POW/MIA organizations which raise millions of dollars with the help of professional fundraisers who have a financial stake in campaign's success.

The Committee found that professional fundraisers created solicitation materials designed to maximize the emotional impact of the POW/MIA issue by stating that POWs remain alive in Southeast Asia and by stating that for a few dollars more, a private organization can rescue them. In virtually every case, materials

<sup>201</sup>Gritz deposition, pp. 149-150

<sup>202</sup>See, e.g., Standard #6 established by the National Charities Information Bureau, Inc. in "Standards in Philanthropy," which provides that the organization should (a) spend at least 60% of annual expenses for program activities; (b) insure that fundraising expenses, in relation to fundraising results, are reasonable over time.

relating to the existence, identity and location of POW/MIAs and attempts to rescue them were held out as factual but were based on circumstantial and hearsay evidence far weaker than claimed. Solicitations to millions of potential donors consistently omitted critical facts about the failure to actually locate and/or repatriate any POW after Operation Homecoming such as, in one case, the fact that the boat used in the operation had not left port for three years.

These materials were misleading -- not because they asserted that POWs remain alive in Southeast Asia, but because they failed to disclose critical information including that the reported information was usually second and third-hand rumors.

The Committee's investigation was hampered by the refusal of the most active fundraising organizations to cooperate, in particular when it tried to verify statements made in the fundraising appeals of Account for POW/MIA, Inc. (Skyhook II), Operation Rescue, Inc., American Defense Institute, Inc., Homecoming II, Inc., and Veterans of the Vietnam War, Inc.<sup>203</sup> The Committee did not seek court orders requiring these witnesses' testimony because most fundraising information was available from their professional fundraisers and tax forms that non-profit groups are required to file.

#### Amounts Raised

Operation Rescue, Inc. reported on federal tax forms that during the period 1985 through 1990 it received \$2,283,472 in contributions; spent \$2,028,440 on fundraising expenses and \$312,125 on program expenses. According to Operation Rescue's own figures, its fundraising expenses constituted 88.8 percent of contributions.

Veterans of the Vietnam War, Inc, reported on federal tax forms that from 1983 through 1990, it raised \$11,366,557 in contributions. For years in which it filed relevant information

<sup>203</sup>The leaders of these organizations-- John LeBoutillier (Skyhook II), Billy Hendon (Account for POW/MIA, Inc.), Capt. Eugene "Red" McDaniel (American Defense Institute), and Ted Sampley (Homecoming II), also refused to testify. Lt. Col. Jack Bailey (Operation Rescue, Inc.) testified before the Committee in November, 1991 but took no questions and was deposed over a two-day period. However, he refused to provide additional testimony about his fundraising activities, informing investigators that he would invoke his Fifth Amendment right against self-incrimination if called to testify.

regarding its fundraising expenses, they ranged from 28.1 percent to 42.8 percent of its contributions.

Skyhook II (Account for POW/MIAs, Inc.) reported to the IRS that from 1988 through 1991 it raised \$1,528,223 in contributions and had fundraising expenses of \$395,327. However, information contained in these tax forms can be misleading. For example, information obtained from Skyhook II's fundraiser revealed that from 1987 through late 1992 the fundraiser collected \$1,897,730 in contributions on behalf of Skyhook II and retained \$1,678,890 of that amount. Thus, Skyhook II actually received only \$218,839 of the \$1.9 million raised. The fundraiser's figures show that the organization actually received only 25.8 percent of the money raised.

Homecoming II reported to the IRS that it paid Ted Sampley, its founder and the publisher of U.S. Veteran News and Report, more than \$300,000, ostensibly for t-shirts sold at Homecoming II's stand at the Vietnam Veterans Memorial in Washington, D.C.<sup>204</sup> Sampley has fought all efforts by the National Park Service to stop merchandising the t-shirts and other merchandising on national park property, and at publication time was involved in a lawsuit over his right to use the picture of the memorial statue without paying the artist. Another lawsuit, against the National League of Families, also is pending. Despite promises of cooperation, Sampley refused to provide financial records to the Committee for his tax-exempt organization.

The Committee notes with concern that its survey of amounts raised by various POW/MIA organizations was hampered by the unwillingness of some POW/MIA organizations to disclose their financial information to the Committee.

#### Professional Fundraising Techniques

In their depositions before the Committee staff, professional fundraisers consistently stated that for a fundraising appeal to be successful, it must be based on a current event and it must have a strong emotional appeal.

The POW/MIA issue clearly meets both of these criteria. Indeed, the POW/MIA issue was exploited by fundraisers who, recognizing its income potential, actively sought out, and sometimes even created POW/MIA groups. For these fundraisers, this activity offered an opportunity to expand their client base.

<sup>204</sup>The payments were made to Sampley's for-profit company, Red Hawk Construction Co.

The business of raising money typically involves the creation and use of mailing lists (for direct mail campaigns), and phone lists (for telemarketing campaigns) which identify potential donors who statistically can be determined to be susceptible to the particular charitable appeal. For example, in the case of raising funds for POW/MIA organizations, professional fundraisers have determined that females over the age of 50 are the most likely demographic group to donate.

Contracts between professional fundraisers and their clients typically give the fundraiser sole responsibility for designing solicitation materials or scripts; the client's role is to review and approve these materials or scripts.

Solicitation materials used by professional fundraisers on behalf of POW/MIA organizations frequently include petitions which the prospective donor is asked to sign and return; a representation is generally made that the petition will be presented to the Congress, the President or some other government official. These petitions are called "engagement devices" because they seek to actively engage the prospective donor in the cause associated with the solicitation. Frequently, these engagement devices were not delivered as promised but rather were used to expand the client's potential donor list. In at least one case, these engagement devices were routinely discarded or warehoused.

Operation Rescue, Skyhook II and Vietnam Veterans of the War all used such engagement devices, but paid little attention to the petitions, concerning themselves only with the money which often accompanied the petitions.

Once solicitations are prepared and approved by the client, they are routinely mailed to hundreds of thousands of persons, at bulk rates available to charitable organizations. In the case of telemarketing campaigns, thousands of telephone calls are placed. Contributions from as few as 2 percent of those solicited by mail can be deemed successful. For telephone solicitations the figure is somewhat higher.

In some instances, fundraisers and charities will engage in "prospecting" appeals, at a financial loss to the charity (but not to the fundraiser), in order to generate a list of known contributors. Donations are expected to exceed expenses as the known contributors are subjected to repeated, urgent solicitations for money. Because the professional fundraiser's profits are considered expenses of the prospecting appeals, it is possible for the professional fundraiser to earn a profit even when donations from a particular campaign do not exceed expenses. The fundraising materials and scripts used by various POW/MIA organizations typically contain themes designed to have maximum emotional appeal. One common theme is that the group is on the verge of rescuing a POW and if the recipient does not send money

promptly, boys who have survived against all odds for 20-plus years will die.<sup>205</sup> For example, the following are sample statements contained in direct mail solicitations of the American Defense Institute:

It is important to get American People to support action to rescue our POW hostages.

Too many years have passed now for us to let our men languish in torture cages any longer. Our national honor hangs in the balance.

I promise to tell all of our hostages, when they are finally freed, of the vital role you played in their release. I wish you would write a brief note on the enclosed donation card, which I will personally hand to the first man to regain his freedom.

Samples of statements contained in direct mail solicitations sent out on behalf of Operation Rescue, Inc.:

If I can't raise \$13,671.77 by October 31, vital intelligence gathering cannot continue.

You may wake up tomorrow morning and hear that the first American POW has been rescued. We are that close.

Those of us here have only until December [1987] to get them out. After that, no telling what the savage communists might do.

We are very, very close to freeing one of our valiant Americans.[December, 1988]

Samples of statements contained in direct mail solicitations sent out on behalf of Skyhook II:<sup>206</sup>

We're close to making contact with an American POW who has been alone since his fellow prisoner died of natural causes less than a year ago. That effort could fail for lack of funds. [This quotation is part of a letter that Skyhook II mailed one time to its donors in March, 1987.]

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<sup>205</sup>Letter U-1520/VO-PW, November 23, 1987, from DIA to Hon. Stephen J. Solarz, Chairman, Sub-Committee on Asian and Pacific Affairs, U.S. House of Representatives.

<sup>206</sup>During the Committee's public hearing on December 2, 1992, Committee members incorrectly stated that certain Skyhook II solicitations had been mailed continuously over a six year period, when in fact they were mailed as set forth herein.

They relocated the 17 we were trying to contact. [This quotation is part of a letter that Skyhook II mailed to its donors one time in March, 1987.]

If enough concerned citizens respond . . . we should gain the \$64,300 we need to launch a carefully planned mission . . . built around a small elite force. . . . [This quotation is part of a letter that Skyhook II mailed to non-donors in March and September, 1988.]

We must move quickly before they get word of us and force-march the POWs . . . Timing is critical to make sure Papa has the financial backing to rescue the first POW. [This quotation is part of a letter that Skyhook II mailed one time to its donors in April, 1988.]

#### Operation Rescue, Inc.

Operation Rescue employed Eberle and Associates as its professional fundraisers from 1983 through 1986. Bruce Eberle is the chairman of the board and a majority owner of Eberle & Associates, a Vienna, Virginia based direct marketing company which provides fundraising services to nonprofit and for profit organizations. Linda Canada, an employee of Eberle & Associates, and handled Jack Bailey's Operation Rescue, Inc. account.

In approximately three years Eberle prepared more than 40 solicitations on behalf of Operation Rescue and mailed them to hundreds of thousands of potential donors at bulk rates. They brought in contributions of approximately \$2 million.

According to Eberle, the basis for the representations in the solicitation letters came from Jack Bailey. Eberle believed Bailey,<sup>207</sup> although he had no more than Bailey's word that POWs were alive and suffering from malnutrition.

Canada designed most of Operation Rescue's solicitations from 1984 to 1986, sending solicitation letters along standard emotional appeals to Bailey for his approval before disseminating them to the public. She never questioned the reliability of Bailey's statements<sup>208</sup> and told investigators that she could not provide the Committee with any facts to back up her statement in a 1985 solicitation that "men are in terrible shape. Their time is running out."<sup>209</sup>

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<sup>207</sup>Eberle deposition, p. 82.

<sup>208</sup>Canada deposition, p. 43.

<sup>209</sup>Ibid., p. 54.

In a 1986 letter, Operation Rescue told potential donors that unless it received \$13,671.77, vital intelligence-gathering missions might have to be stopped. If those missions did not continue, there was no hope for the return of POW/MIA's held captive in Vietnam, the letter stated.<sup>210</sup>

In April, 1985 solicitations stated that Bailey had just returned from an intelligence-gathering mission and confirmed the location of live American POW's. The solicitation stated that the men were in terrible shape and their time was running out. The solicitation was designed as a "Post Gram" stating that Operation Rescue had more evidence of live Americans. This Post Gram and another solicitation purporting to be a copy of a letter written by Bailey while aboard his rescue ship, the Akuna II in the South China Sea, were not what they appeared to be.

These scenarios were concocted by Bailey's fundraisers. A memorandum dated April 2, 1985 from Eberle to Canada laid it out:

In addition to the two fundraising appeals which I drafted today, I have an idea for three more packages on behalf of Operation Rescue. Here they are:

1. Some sort of an international cable gram sent from Thailand to the donor describing the "evidence" that Americans are still being held captive and the urgent need for tax-deductible contributions in support of the rescue efforts.
2. A handwritten or hand printed letter on lined note paper written by firelight during an intelligence gathering mission either inside of Cambodia or Vietnam, or at least on the banks of the river which divides Thailand and Cambodia. Same message.
3. A letter originated in Thailand, either on hotel stationery or on Akuna II stationery stating that the Akuna is in port and can't leave again unless a certain amount of money is received. Letter could even be drafted on the deck of the Akuna. Once again, this letter should either be handwritten, hand printed or typed on a portable typewriter. Same message.

Linda, obviously these are take-offs on your current package. They could be used as "challenger" packages to test against your current control package. They should be tested head to head with the control package and any other challenger packages which you mail.

<sup>210</sup>Ibid.

During the relevant period, the Akuna never left Songkhla Harbor according to a telegram from the Department of State dated September, 1986, which quotes a letter from the Harbor Master:

. . . [the Akuna] has been anchored in Songkhla for roughly two years (Actually three), never leaving its mooring . . . The Akuna has not performed any useful service, and that it has not received maintenance for a long time. In this regard, it notes that the skeleton crew of two watching over the ship has absolutely no knowledge of how to maintain it.

The Post Gram and the handwritten letter are clear examples of misleading solicitations.

#### Skyhook II

Skyhook II's modus operandi is similar to Operation Rescue's. One 1985 letter claimed that POW's are starved and clad in filthy rags and airmen are kept chained in tiny bamboo cages and made to work like animals.<sup>211</sup> Another 1986 letter stated that brave fighting men are treated worse than animals cooped in jungle cages.<sup>212</sup> Skyhook II's materials state that these recent reports all come from refugees whose claims have been verified by lie-detector tests. In 1986, Skyhook II represented that "we are close to making contact with an American POW who has been alone since his fellow prisoner died."<sup>213</sup>

Fundraising techniques used by Skyhook II included a script used by Akron, Ohio telemarketer, Infocision Management, Inc. on October 13, 1992 which claimed that:

. . . our effort to have the government admit to live POW/MIA's in Southeast Asia has been so relentless that last week the Senate Subcommittee subpoenaed our records. . . We are now closer than ever to bringing these war heroes home. . .

Additional scripts were drafted to prepare telemarketers to overcome objections by people who were on fixed income, unemployed or ill, or the widows or widowers of prior donors.

<sup>211</sup>Letter U-1520/VO-PW, November 23, 1987, from DIA to Hon. Stephen J. Solarz, Chairman, Sub-Committee on Asian and Pacific Affairs, U.S. House of Representatives.

<sup>212</sup>Ibid.

<sup>213</sup>Ibid.

From July, 1985 through August, 1992, Skyhook II used the services of Response Development Corporation, a professional fundraising organization which has been in the direct mail business since 1945.

RDC prepared and sent solicitation letters using POW/MIA information provided by former LeBoutillier, and Skyhook II's agent in Thailand, Al Shinkle. RDC's writers never independently checked the veracity of this information, which included purported live sighting reports and photographs determined to be unreliable by DIA.<sup>214</sup> However, RDC routinely collected information and media reports concerning the POW/MIA issue in order to corroborate, to the extent possible, the information provided to them by LeBoutillier and Shinkle. RDC's highly emotional, urgent appeals for money, often promised that the money raised would be used to rescue live POW/MIAs; in some cases, however, 100 percent of the money raised was used to pay debts LeBoutillier owed to RDC.

In August, 1992, RDC terminated its efforts for LeBoutillier and Skyhook II, citing a dearth of "good conservative donor files" and media attention which discounted the evidence used in the fundraising appeals before the donors had a chance to respond to them.

Of the nearly \$1.9 million raised by RDC for Skyhook II, RDC kept nearly \$1.7 million. Despite the fact that RDC kept 88.5 percent of the money it raised, accounting regulations allow charities to include portions of the fundraising packages into program expenses (as opposed to fundraising expense) if the package contains certain informational/educational content. This is accomplished by counting the lines of text in the letter that actually ask for money, and then calculating a percentage of the letter that is "education" as opposed to "solicitation." In this way, Skyhook II's fundraising expenses are reported as closer to 50 percent of revenue than 88.5 percent. In some solicitation packages, however, as much as 75 percent of the content was considered "program" rather than "solicitation." This technique is a standard industry practice, but unknown to the donating public.

#### Veterans of the Vietnam War, Inc.

Veterans of the Vietnam War, Inc. (VVnW) engaged The Creative Advantage, Inc., a professional fundraiser to prepare its mail solicitations. Marilyn Price of Fairfax, Virginia is the President and majority stockholder of The Creative Advantage, Inc., a company which provides fundraising services to national and international

<sup>214</sup>RDC was unaware that DIA had investigated these matters and informed the staff that it would have ceased mailing the questioned materials had it known of DIA's conclusions.

nonprofit organizations. She is also owner and president of Creative Management Services, Vvnw's management consultant.

Price's testimony explained how a professional fundraiser can virtually create a client. According to her testimony, Price first learned of Vvnw in the summer of 1982 by reading an article in Life magazine about veterans and their children injured by Agent Orange exposure. The article contained a photograph of Michael Milne, executive director of VVnW. Price found the Life magazine article compelling and sought to contact Milne because another client also was interested in Agent Orange.

At that time, Price was working for another fundraiser, Response Dynamics. Shortly thereafter, she left Response Dynamics and formed her own company, The Creative Advantage, Inc. Milne's organization, VVnW, was Price's client, first at Response Dynamics and then at The Creative Advantage, from 1982 until September, 1991. From 1985 through 1991, more than 2.5 million highly emotional, urgent solicitations were mailed on behalf of VVnW claiming that live U.S. servicemen were being held captive and that rescue could be achieved through VVnW. One, sent in 1991, stated:

Thanks to your support, Veterans of the Vietnam War, Inc. has sent a delegation to Vietnam to negotiate for the release of our POW's. During these meetings in Vietnam, the Vietnamese leaders told our representatives that American POW's are still alive in Southeast Asia! THEY ADMITTED IT -- FINALLY! This confirms live sighting reports collected by the other "core" groups. We're making some important progress as negotiations continue.

Marilyn Price drafted and signed a solicitation letter in January, 1991 on behalf of VVnW which stated in part:

Our representatives have been to Southeast Asia to meet with government leaders to break the deadlock. The Vietnamese have admitted that some of our men are still alive!

Another solicitation from VVnW claimed that Norwegian workers in Vietnam had seen POW's who had called out to them. In all, solicitation materials prepared by Price were sent to hundreds of thousands of Americans netting more than \$11,000,000 since 1984.

In one fundraising campaign, Price of The Creative Advantage, Inc., arranged for the production and broadcast of a television commercial asking viewers to call a toll-free telephone number to get a petition to the President of the United States. They would sign and return it to VVnW for delivery to the U.S. Government to show the wide-spread desire to bring missing servicemen home. The petitions urged the Administration to "do everything humanly possible to secure the immediate release of our brave American

Vietnam War heroes, held hostage in Southeast Asia, under sub-human condition."

The commercial contained footage of prisoners (taken during the war, prior to Operation Homecoming), government officials, a family member and an appeal by actor Cliff Robertson. Broadcast over the Christian Broadcasting Network and numerous cable television channels, the advertisement was extremely successful, resulting in more than 125,000 requests for petitions. Those who signed the petitions were requested to provide their addresses and phone numbers. When these petitions were signed and mailed to a post office box controlled by the fundraiser, the petitioners' identifying information was transferred to mailing lists and telephone directories for future fundraising use. Rather than delivering these petitions to the President of the United States, as promised, VVnW simply collected and stored the petitions, adding the names on those petitions to its mailing and phone lists to be used in additional fundraising solicitations. This petition drive was little more than a way to build a list of potential donors to be subject to repeated solicitations, both to fund additional television commercials and to contribute to VVnW's "rescue" efforts.

According to an affidavit provided by Michael Milne, National Executive Director of VVnW:

1. Between 1987 and 1992 we collected 126,812 signatures on petitions.
2. These petitions were delivered to Veterans of the Vietnam War, Inc.
3. We continued to receive the petitions. We changed the name on the new petitions from "President Reagan" to "Mr. President."
4. All of the petitions we collected are stored in a Wilkes-Barre, Pennsylvania warehouse. Veterans of the Vietnam War, Inc. provided photographs of these petitions to the Senate Select Committee on POW/MIA Affairs.

In response to the Committee's request to substantiate the information in its solicitation materials, VVnW provided field reports from overseas agents, including Al Shinkle who apparently worked for VVnW after he ceased working for Skyhook II. The field reports document the thrust of some, but not all, of the statements contained in VVnW's solicitation materials.

One report, in the form of a letter dated December 10, 1989 from Shinkle to Milne, warned Milne about an agent whom Shinkle had learned was being sponsored by VVnW:

I found [the agent] to be of average or slightly below average intelligence but with a vast amount of energy and a deep-set conviction that he could collect intelligence information from inside Laos and recover living POWs better than anyone else.

During that short time frame he distinguished himself by being bilked out of a respectable sum of money by con artists (not his money, but that of another), being arrested for violating Thai Internal Security Operations command and placed on a watch-list for actions not in keeping with then current Thai foreign policy, wenching and drinking so frequently that he still has a reputation for so doing in Nakhon Phanom, Thailand.

. . . In my opinion, he is a rank amateur with some kind of personal mental problem which makes him unreliable and controllable. In short, and in words that are easily understood, he is an accident looking for a place to happen.

In July, 1989, the agent wrote a letter to Milne discussing what he had learned:

During my stay I learned more in a short time than the Government has learned in 15 yrs. I learned where many of our people are, and actually negotiated for the release of several of them. I worked with many of the agents who have been scamming Americans for yrs. but in my case we were working under a different set of rules. I worked with former Pathet Lao military personnel, and some still in the service. I worked with refugees from Laos, and Thai nationals also.

I learned that there are 253 Americans still being held in Laos, with a total of approx. 500 in all of S.E. Asia. A great number of the men being held in Laos are constantly being observed by friendly agents working for other Americans in the area, to maintain a knowledge of their presence at all times.

Another thing I learned is this, no one in S.E. Asia thinks the Government is interested in live Americans. [E]veryone, Everyone that I talked to especially from Laos is under the impression that remains are the only thing of value. This is because live Americans are not, nor ever have been mentioned in any talks or negotiations with the government of Laos.

An example of this particular case in point is this -- In 1988 a Pathet Lao soldier brought a fresh set of remains

and Dog-tags to an American in Bangkok, to sell. The soldier, believing that the only value to this American POW was his remains, Killed him and cooked the flesh from the bones, bleached them, and then tried to sell them. If he had been successful and gotten a good price for them, he actually intended to kill the remaining 2 POWs in his care.

This soldier was shocked, and disappointed to learn that we wanted LIVE Americans. Negotiations are presently under way to try to gain the release of the 2 survivors. Our government's policy of remains only "caused this man's death." There is no telling how many more have lost their lives in a similar fashion.

Price also arranged for VVnW to utilize the telemarketing services of Infocision Management Corp. During its campaigns approximately 300,000 telephone calls were placed<sup>215</sup> to prospective donors, using urgent, emotional appeals seeking money to rescue POWs. As part of this arrangement, Price elicited from Infocision a three-percent kickback.<sup>216</sup>

In addition, Price entered into a management consultant agreement with VVnW that was to net her \$5,000 a month plus 10 percent of the net income of VVnW. At her insistence, the agreement stated in part:

Expenses related to the performance of this agreement will be categorized as program expenditures [not fundraising expenses] on the client's financial statements and tax returns. Neither the existence nor the details of this agreement will be discussed by either party with any member(s) of the press.

VVnW has balked at paying some of Price's fees and was in litigation with her at publication time.

#### DIA's Analysis of Fundraising Solicitations

In 1987, DIA analyzed representations such as those set forth above and found that unwary potential donors might easily conclude that the organizations making those representations possessed substantial intelligence from reliable sources who were in direct contact with American prisoners of war. The little noticed report concluded in part that:

<sup>215</sup>Getzinger deposition, p. 29.

<sup>216</sup>Price deposition, pp. 74 and 81.

. . . nothing could be further from the truth. Some of the claims are undoubtedly the invention of the authors. . . . [F]or all their proof and untold millions of dollars raised, none of these groups or individuals have yet to furnish even the slightest shred of evidence of POW's, much less secure the return of a living American captive.

In reviewing the materials, we find they include little or no substantive data but instead are rambling discourses filled with inflammatory rhetoric.<sup>217</sup>

#### Use of Proceeds: Fundraising vs. Program Expenses

In many cases fundraising expenses top 50 percent of the total amount donated by the public. The issue of how much money a charity should spend to raise money and whether and how the public should be informed of the high cost of fundraising has been the subject of much debate.

In 1989, the Subcommittee on Antitrust, Monopolies and Business Rights of the Senate Judiciary Committee held hearings on abuses in charitable gift giving that showed how professional fundraisers sometimes dupe well-meaning charities into contracts that result in huge consulting fees with little or nothing left over for the charitable purpose.<sup>218</sup> Of concern to the Select Committee is that while professional fundraisers often raise enormous sums, very little goes to the cause. The Committee's investigation revealed that many POW/MIA organizations receive as little as 13 percent of the money generated by their professional fundraisers. Creative accounting often boosts that figure closer to 50 percent, as in the case of Skyhook II.

In at least one instance, state regulators have attempted to challenge excessive fundraising expenses. A pending civil suit in Illinois seeks injunctive and other relief against the fundraiser for VietNow, a Rockford, Illinois based POW/MIA organization. The State alleges that:

Since July 1, 1987 to the present, Defendants . . . have acted as professional fundraisers and solicited charitable donations from the public for VietNow's charitable purposes through their own acts and in concert

<sup>217</sup>Letter U-1520/VO-PW, November 23, 1987, from DIA to Hon. Stephen J. Solarz, Chairman, Sub-Committee on Asian and Pacific Affairs, U.S. House of Representatives.

<sup>218</sup>Hearing Before the Subcommittee on Antitrust, Monopolies and Business Rights of the Committee on the Judiciary, U.S. Senate, December 15, 1989, Serial No. J-101-55.

with others in an amount of at least \$1.524 million, with VietNow receiving only \$224,000 (14.6 percent) in that period. . . . By taking possession and control of said charitable funds upon the Defendants' representation to the public that the funds would be used for charitable purposes, the Defendants had a fiduciary duty to fairly and reasonably deliver said funds for VietNow's purposes, but in charging the fee amounts they charged they breached their duty and defrauded the donating public.<sup>219</sup>

#### Disclosure of Fundraising Expenses

Another concern of the Committee and others, including the National Association of Attorneys General, is what donors are told about where money donated to the cause actually goes. According to a recent law review article:

Legislatures and courts have engaged in a tug-of-war over the regulation of charitable fundraising. Legislatures have tried to control overall fundraising costs by limiting the amount a charity can spend on fundraising if it wants to continue to solicit funds. Fundraising cost limits, however, sacrifice the rights of individual charities that have high costs for good reasons. They also restrict the donating public's choice of which charities to support. The judiciary, beginning with the United States Supreme Court's 1980 decision in Village of Schaumburg v. Citizens for a Better Environment, [444 U.S. 620 (1980)] moved to protect both the rights of charities with inherently high fundraising costs to solicit funds and the public's right to choose to give to these charities. Unfortunately, following Schaumburg, the Court moved too far in protecting the rights of charities and ignored the contributors' interest in ensuring that charitable contributions be used for charitable purposes. In 1987, in Riley v. National Federation of the Blind, [487 U.S. 781 (1988)] the Court extended the striking of fundraising cost limits to include a statute that required charities to disclose fundraising costs at the time of solicitation. . . .<sup>220</sup>

Given the current state of the law, the public's ability to inform itself of a charity's fundraising expenses depends largely on the

<sup>219</sup>People of the State of Illinois vs. Telemarketing Associates, Inc. et al., No. 91-C4926, Circuit Court of Cook County, Illinois County Department, Chancery Division.

<sup>220</sup>Leslie G. Espinoza, "Informed Charitable Giving," Southern California Law Review, Vol. 64, March, 1991, p. 607.

accuracy and clarity of information filed with the IRS. The Committee has reviewed several Forms 990 filed by various POW/MIA organizations and found that in some instances these forms are incomplete and inaccurate on their face, even when prepared by major accounting firms.

Since these charitable organizations are exempt from taxation, there is little incentive for state and federal regulators to audit them closely. This, combined with the complexities of accounting standards governing the allocation of expenses forces the public to rely on private watchdogs such as the National Charities Information Bureau.

Canada, the account executive for Operation Rescue, testified that it would undercut the success of a fundraising campaign to disclose the involvement of a professional fundraiser.<sup>221</sup> A typical donor wants to believe that one person is writing to them as a donor: if the fundraiser disclosed his or her role it would "completely destroy the success of the mailing."<sup>222</sup> The issue of public disclosure is an issue that states have tried to address but recent Supreme Court decision have restricted states' ability to regulate raising costs.

Price, the fundraiser and management consultant to VVnW, drafted a contract with VVnW specifying that the charity record her management fee as a program cost not a fundraising cost in their financial statements and tax returns.<sup>223</sup> Such accounting measures have been a concern to not only this Committee but to the states which attempted to regulate accounting practices of the charities. In 1989, Connecticut's Attorney General testified that new accounting rules permit a charity to shift a generous portion of the cost of raising money into program services in its expense statements. This exaggerates the amount of money spent on the cause.<sup>224</sup>

#### Other POW/MIA Groups

The staff invited more than 50 of the hundreds of grassroots POW/MIA organizations to provide information on a voluntary basis concerning their educational, fundraising and other activities. More than 30 organizations responded and investigators took

<sup>221</sup>Canada deposition, p. 44.

<sup>222</sup>Ibid.

<sup>223</sup>Price deposition, pp. 61-62.

<sup>224</sup>Hearing Before the Subcommittee on Antitrust, Monopolies and Business Rights of the Committee on the Judiciary, U.S. Senate, December 15, 1989, Serial No. J-101-55, p. 103.

testimony from officials and members of numerous POW/MIA organizations and families.<sup>225</sup>

<sup>225</sup>The Committee contacted over 50 randomly chosen organizations that are concerned with the POW/MIA issue. While most responded favorably to the committee's request, some either chose not to respond, or indicated that they would not provide information. The following list reflects those organizations that responded to the committee's request for information by November 1, 1992, whether or not they provided information:

Americans Abandoned In Southeast Asia (Milford, DE)  
American Ex-Prisoners of War (Arlington, TX)  
The Baron 52 Project, Inc. (St. Petersburg, FL)  
Bravo (Casabas, CA)  
Bring Them Home! (Walnut Creek, CA)  
Brotherhood of Vietnam Veterans, Inc. (Houston, TX)  
Freedom Now of Virginia, Inc. (Newport News, VA)  
Georgia Committee for POW/MIA (Norcross, GA)  
Heart of Illinois (Pekin, IL)  
Lima Area MIA-POW (Columbus Grove, OH)  
Live POW Committee of Colorado (Fort Collins, CO)  
Maine Vietnam Veterans Vigil (Bath, ME)  
Minnesota League of Families of POW/MIA (Eagan, MN)  
NAM-POWs, Inc. (Poway, CA)  
National Alliance of Families-Maryland Chapter  
(Rockville, MD)  
National Forget-Me-Not Assn. (New Port Richey, FL)  
National League of Families (Washington, DC)  
National League of Families-Ohio Chapter.  
(Columbus, Ohio)  
National Vietnam POW Strike Force (Houston, TX)  
National Vietnam Veterans Coalition (Washington, DC)  
Operation Rescue (Garden Grove, CA)  
POW/MIA Coalition of Long Island (Freeport, NY)  
P.O.W. Network (Skidmore, MO)  
Prisoner of War Committee of Michigan (Union Lake, MI)  
Red River Valley Fighter Pilots Association (Derby, KS)  
Rolling Thunder-PA (Phoenixville, PA)  
Seaside Support League POW/MIA (Tabor City, NC)  
Task Force Omega, Inc. (Glendale, AZ)  
Veterans of the Vietnam War, Inc. (Wilkes-Barre, PA)  
Veterans Support Group of Dickinson County (Abilene, KS)  
Vietnam Veterans of America, Inc. (Washington, DC)  
Vietnam Veterans of America-Chapter #82 (Hicksville, NY)  
Vietnam Veterans of America-Chapter #233  
(New Brunswick, NJ)  
VietNow, Inc. (Rockford, IL)

Most POW/MIA groups are all-volunteer efforts ranging to memberships of several thousand. Most operate on budgets of less than \$20,000 per year and raise funds through local activities, membership dues and personal mailings. Most have done an exemplary job in keeping the POW/MIA issue alive, and it is their voices that have sounded a continual demand for the return of any remaining POWs and the fullest possible accounting of all MIAs.

The Committee believes the following sampling is representative of the tireless efforts of hundreds of bona fide organizations throughout the country. The listing is alphabetical, and it is by no means intended to be exhaustive:

#### BRAVO

BRAVO, The Brotherhood Rally of All Veterans Organization, was organized in 1971 as an annual picnic for veterans, their families and friends and has developed into a multi-media communications vehicle for military and veterans related activities, opportunities and events.

From 1982 through 1985 BRAVO published The Veterans Observer, and since 1985, publishes The Veteran's Outlook, a bi-monthly, military/veterans publication distributed internationally. BRAVO also produces the only weekly television program exclusively dedicated to veterans affairs. Over 600 half-hour segments of "Sound Off!" have been produced and distributed over the Public Broadcasting System. BRAVO has been instrumental in disseminating information about Agent Orange, post traumatic stress disorder, POW/MIAs and a host of other military and veterans issues. BRAVO has participated in rallies, vigils and other events throughout the nation, collecting and distributing information, and reporting to the veteran community.

BRAVO's efforts are worldwide in scope. In 1990, BRAVO members were part of the delegation of the National Vietnam Veterans Coalition which travelled to the former Soviet Union to assist in establishing their own POW committee. In addition, Tony Diamond, BRAVO's Executive Director, travelled several times to the region, working with high level officers and Afghan leaders to develop a dialogue of mutual assistance, working toward the release of all POWs from all nations and all wars. In addition, on March 6, 1992, BRAVO participated in the first International Veterans Telemarathon in Moscow, Russia -- a television broadcast aired around the world which asked that anyone who knows of POWs to inform the organization, or the powers that be far from exhaustive.

#### Georgia Committee for POW/MIA, Inc.

The Georgia Committee was formed by JoAnn Shaw, the sister of Major James William Reed (MIA in Laos since July, 1970) and its main objective is the return of, or accounting for, missing servicemen.

It furthers its goal through public awareness activities and relies completely on volunteers to produce a newsletter, public addresses, slide presentations, ceremonies, and to meet with elected officials about the POW/MIA issue. Georgia Committee officers have made numerous appearances on television and radio, and have traveled extensively, at their own expense, to appear on behalf of the POW/MIA issue. In addition, the Georgia Committee maintains close ties with the National League of Families, and disseminates League information to its membership.

Funding for the Georgia Committee comes from membership dues, from the sale of POW/MIA memorabilia (POW bracelets, T-shirts, flags, etc.) and donations. Its average annual budget is approximately \$8,000.

#### The Lima (Ohio) Area MIA-POW

The two principals of the Lima Area MIA-POW, Jack and Wilma Laefer, are cousins of USAF Col. Owen G. Skinner, an American pilot missing in Laos since 1970. The Laefer's sell POW/MIA items by mail in order to raise public awareness of the POW/MIA issue and do not solicit public donations. From 1984 to 1991, the Laeufers also have donated \$107,300 to 24 other non-profit organizations who devote their efforts full-time to the return of missing American servicemen.

The Laeufers also have been involved with planting "freedom trees," building and displaying simulated POW cages, conducting candlelight vigils, participating in Christmas tree festivals and many other POW/MIA related activities. In October, 1992, the Laeufers attended the dedication of the Australian Vietnam Forces National Memorial in Canberra, Australia at their own expense.

#### Minnesota League of Families/Minnesota Won't Forget POW/MIA

Minnesota Won't Forget POW/MIA and the Minnesota League of Families are "sister" organizations which function independently but coordinate with each other for special events and functions. Minnesota Won't Forget POW/MIA is comprised of veterans and concerned citizens; the Minnesota League of POW/MIA Families is comprised of family members of missing servicemen from Minnesota. Both are volunteer organizations whose efforts have effectively raised the level of awareness of the POW/MIA issue in Minnesota.

MWF/MLF's accomplishments include lobbying for state legislation requiring the POW/MIA flag be flown over the State Capitol; pressing to have an 18' X 28' POW/MIA flag flown in the Metro Dome; initiating state legislature hearings on the POW/MIA issue; organizing petition drives resulting in the delivery of thousands of petitions to the President, the Vietnamese Mission in New York, the Lao Embassy, the Russian Embassy and the Pope; and the

Minnesota Won't Forget POW/MIA 46-member flag unit has marched in more than 100 parades.

Their current work includes placing billboards and flags throughout the state, provide speakers and donate videos to a variety of organizations, maintain a POW/MIA merchandise booth at the Minnesota State Fair, produce a free newsletter with a circulation topping 2,000; and co-producing programs for POW/MIA Recognition Day and Prayer Day.

#### POW Network

The POW Network was founded in 1989 by Chuck Shantag of Davenport, Iowa. It offers a bulletin board service that lets users ask questions, obtain information and post new information as it becomes available. The service is available 24 hours per day and is free of charge, but its operators ask for a five-dollar monthly donation. The POW Network is an all-volunteer organization.

#### Prisoner of War Committee of Michigan

The Prisoner of War Committee of Michigan ("POWCOM") was organized in 1970 for the purpose of protecting and furthering the interests, rights and welfare of American prisoners of war, missing in action and their families. Of the 2,264 servicemen still unaccounted for from the Vietnam war, 73 are from Michigan. POWCOM's primary function is to raise public awareness about POW/MIAs and the many discrepancy cases that have yet to be resolved and its efforts to educate the public include publication of a newsletter and reading list, speeches, an annual foot race, advocacy of POW flag legislation, memorial construction, and vigils and many other events. POWCOM also coordinates activities with other POW/MIA and veterans organizations. It funds its operations through private donations and has not used professional fundraisers to send out mass mailings.

#### Red River Valley Fighter Pilots Association

The "River Rats" was formed during the Vietnam War by pilots who flew missions over Route Pack VI of North Vietnam. Originally intended as a series of tactical conferences, the participants continued meeting after the war to maintain the fellowship among air crewmen who fought together.

The River Rats' mission nationally is to provide scholarship assistance to the children of U.S. servicemen killed or missing in action in Southeast Asia, Iran, Libya, Grenada, Panama, and Desert Storm. To date, the River Rats have awarded more than 600 scholarships totalling more than \$760,000, based on scholastic ability and need. In addition, several local chapters have organized personal assistance for POW/MIA families, including picnics, house repairs and chores, ball games, camping trips,

family outings and other social events. As of 1992, there were more than 70 local chapters, who meet at a "practice reunion" (practicing for the reunion with pilots lost during the Vietnam War until all are accounted for).

#### Discussion

Clearly the intentions of the vast majority of those involved with POW/MIA issue at the private level have been honorable and the commitment to keep the issue alive has been genuine. Only a small number of organizations have employed professional staffs and slick fundraisers. Among those who did, however, fundraising goals often outweighed the concern for making sure that representations were in fact accurate and that what was promised, such as petitions or action, was in fact carried out.

While all of the fundraisers who were deposed laid responsibility on their clients for the representations made in solicitation materials, it is equally clear that they all played a major role in crafting and disseminating the misleading representations. The Committee's examination of the professional fundraisers reveal skilled professionals who engaged in practices that the Committee finds troubling.<sup>226</sup>

Professional fundraisers specifically targeted and exploited women over 50 years old based on emotional appeals of anxiety and hope.<sup>227</sup> Canada admitted (as did all the other fundraisers who testified before the Committee) that the POW/MIA issue was successful due to the strong emotional response it evokes from the American people.<sup>228</sup> All of the fundraisers deposed by the Committee conceded that solicitations stating there was "evidence of live POW's" would be more successful than solicitations without such evidence.<sup>229</sup> Therefore, claims of live POWs can in part, be traced to fundraisers' carefully crafted emotional solicitations and not to reliable intelligence or genuine information.

Many of the issues raised in the Committee's evaluation of the professional fundraising methods used by POW/MIA organizations should be addressed in the next Congress with appropriate legislation. Clearly, legislative initiatives designed to make corporations and individuals more accountable for the

<sup>226</sup>Canada deposition, p. 64.

<sup>227</sup>Ibid., p. 64.

<sup>228</sup>Ibid., p. 51.

<sup>229</sup>Ibid., p. 53. Eberle deposition, p. 79. Price deposition, p. 53.

representations appearing in solicitation materials are warranted. In addition, legislation is needed to address the creative accounting methods which currently permit charities to distort their fundraising expenses in reports filed with the IRS. The Committee recommends that these issues be addressed by the Subcommittee on Consumer of the Senate Committee on Commerce, Science and Transportation as well as the Subcommittee on Taxation and Debt Management of the Senate Finance Committee.

Significantly, the continuation of misleading solicitation materials over a period of years was fostered, in part, by a DIA directive classifying POW/MIA reports received after August, 1979. This well-intentioned policy, imposed to protect the whereabouts of any Americans who may be alive, had the effect of denying the public access to professional intelligence assessments of evidence, and fostered a cottage industry of bogus claims.

This policy was inconsistent with a long-held view within the armed services and the organizations of POW/MIA next of kin that there be full disclosure of all information about the fate of POW/MIAs. It also may have indirectly led to a belief in the existence of thousands of credible POW/MIA live sighting reports which to date are open to interpretation.

The failure of the U.S. Government to account for its POW/MIAs created a situation in which a broad spectrum of citizens including decorated war veterans, former POWs and others, sought to force an accounting through the dissemination of photographs of purported POWs and the use of solicitation materials predicated on the assumption that POWs remained captive in Southeast Asia after Operation Homecoming.

It also led to an environment ripe for adventurers and would-be rescuers who sought to find answers by conducting their own reconnaissance and rescue missions overseas -- sometimes with the covert assistance of the Government. Those missions serve as further examples of how Government attempts to use private organizations in clandestine overseas operations can go awry. Contributors were misled, money lost, time wasted, participants duped, and international relations between the U.S. and foreign governments tarnished.

The reconnaissance and rescue missions also raise questions about the role that the Lao resistance forces have played in producing questionable evidence about the existence of American POWs in Southeast Asia.

## FAMILIES

### Missing a Loved One

Nothing can produce emotion, passion and controversy like war. How could anyone ever forget the scene of a returning POW from Vietnam kissing the ground as he first set foot on U.S. soil after years of captivity, and the thrill of watching his wife and children run across the tarmac and into his open arms? When a soldier comes home, it is a joyous reunion.

War also claims victims and produces often untold suffering. Men and women are killed, and their loved ones mourn. Taps, flags, military funerals, tears of sadness and shattered dreams are all products of war. One of the worst tragedies of all is that some simply become "missing." Their loved ones both mourn and hope. The years drag on, and the long wait for answers can become unbearable. In this regard, the Committee notes with sadness the tragic death last year of Mrs. Marion Shelton, the devoted wife of Capt. Charles Shelton, USAF, the only serviceman still officially listed by the Department of Defense as a "POW" captured in Laos during the war.

What could be worse than the emotional turmoil of "not knowing?" Two family members explained their feelings:

When a beloved son becomes missing in any war, parents like us become the living dead.<sup>230</sup>

He loved the Air Force and because of that love, I chose to serve in the same branch. I feel I owe an awful lot to my big brother, Buddy. Not a day goes by that I don't wonder what happened to him and if he could still be alive.<sup>231</sup>

For many Korean War POW/MIA families, this anguish has lasted for four decades; for Vietnam War POW/MIA families, many have hoped and prayed for 20 years.

National security is no longer a valid excuse for events that happened 40 years ago. . . .

I feel the American people need to understand some of the anguish that families experience when a father is taken away and there's no explanation given to the child as to why. . . .

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<sup>230</sup> Father of serviceman missing in action

<sup>231</sup> Sister of serviceman shot down in . . . December, 1972.

## Chapter 7

### POW/MIA Families

[My daughter] writes, "I recently returned from Russia where I spent two weeks with my mother searching for clues regarding my father's disappearance. I found no answers, just more questions. I don't know what to say, except that as I write this memories of my childhood haunt me, and I am crying. They are tears of sadness, for I never met my father.

"I grew up wondering what he was like. I was told he was dead. Then a year ago I found out he was probably taken prisoner of war at the time of the incident and might still even be alive. These days I cry, wondering about all the pain and suffering he must have endured, and I wonder if he's still alive somewhere in Russia, or maybe someone else is still alive.

"Please keep working on the exchange of information between our two countries. There are many good people on both sides willing to help."<sup>232</sup>

Another Korean War veteran and POW/MIA family member also has wondered -- and persisted in his efforts to find the truth -- for more than 40 years:

I was a Korean War veteran; two tours of duty in Korea. I had four brothers on the front line at one time. My youngest brother was captured on November 4, 1950 at Anju, northeast of Anju, right up here on the map.

In 1953, when the last group of prisoners of war were released on September 3rd or 4th, and I looked at the television set after I had gotten home -- I came out all right -- and I didn't see my brother's name on that list, I told my mother and father there are three things wrong here. You have to be a prisoner of war, killed in action, or missing in action. That's three categories. And I'm sure he was one of those three, and I was hoping he would have been alive, and is still alive today.

So, I made a promise to my mother and father in 1950 that I would never stop looking for him until I brought him home, dead or alive.<sup>233</sup>

#### Families' Views and Experiences

The Committee understands that it is impossible to make general statements about specific family members who have all suffered in

<sup>232</sup>Jane Reynolds Howard testimony, Nov. 10, 1992

<sup>233</sup>Robert Dumas testimony, Nov. 10, 1992

their own way from the tragedy of having a "missing" loved one. Whether we speak of Vietnam or prior wars, the pain is the same.

Families are diverse in their views, in the particular circumstances surrounding the loss of their loved one, in the experiences they have had in dealing with their government, and in the feelings toward the Communist governments who hold answers.

Some believe the U.S. Government has done all it can over the years; others believe it has bungled inexcusably. Some of these families have decided to accept death and move on with their lives; others wait, convinced that living Americans remain in captivity.

No one among the Senators on this Committee is qualified to criticize the beliefs of the families. None of us has a missing loved one from a prior war. On these questions, every POW/MIA family member has fair claim to be considered an expert in the saddest, truest sense of the word.

The families have suffered the indignities of Communist governments who have refused to provide even basic humanitarian information and answers over the past half-century. They have endured the emotional roller-coaster ride of hope and failure year after year after year. They have watched governments in Southeast Asia dribble out remains and heard flat denials that records exist -- and then seen that these documents existed all along.

With the full cooperation of these governments in past years, results would have been obtained for many POW/MIA families long ago. Former President Nixon himself said in January 1992:

It has been obscene, the way they have just dribbled out information to these poor families who simply want to know what happened.<sup>234</sup>

The families have been the victims of fraud and they have seen their own ranks divided by intense differences over the best way to obtain results. Through it all, they have persevered.

Through years of not knowing, both during and after the war, of bearing the brunt of bureaucracies incapable of answering questions or responding to requests, of grappling with wrenching and sometimes conflicting information, and of dealing with the inhumane actions of former enemies, POW/MIA families have unfailingly kept their hopes alive and realistic.

The feelings and commitment of POW/MIA families may best have been summed up by the son of a serviceman shot down over Laos:

<sup>234</sup>Richard M. Nixon comments, "Larry King Live," Jan. 8, 1992

I was 16 years old when my dad was shot down. Dad was 42. He was a big man with a good sense of humor and a big appetite for life. He liked sports cars, bagpipe music, Irish whiskey; he fished, he rode broncos in the Rodeo; he loved New Mexico and the Air Force.

I remember him vividly, and miss him terribly. Nonetheless, I have long been resigned to the fact that he's almost certainly dead, and resigned to the fact that I will probably never know what happened to him. But that does not relieve me or you of the obligation to try to find out what did happen to him.

I don't expect the impossible, only the confidence that the Government that ordered my father into combat is doing all that it can to determine his fate and that my family knows all that this Government knows.<sup>235</sup>

#### Families' Central Role in Committee's Work

The Committee owes its creation to the activism of family members, and from the beginning we sought to work closely with POW/MIA families. Family members were represented at the Committee's opening and closing hearings. In addition, the Chairman and Vice Chairman addressed the 1992 conventions of the National League of Families and the National Alliance of Families.

To ensure that families' concerns were addressed, the Committee's Chairman and Vice Chairman wrote to the primary next-of-kin of all 2,266 then unaccounted for servicemen in January 1992, seeking their advice and participation. Over the course of the Committee's year in existence, more than 100 responded, and both the League and the Alliance have actively monitored the Committee's work.

In addition, C-SPAN coverage of 18 of the Committee's 22 open hearings has kept an audience of 59 million viewers informed. "Please talk to as many families as you can -- they are the only ones holding the truth," one family member wrote. "I was glued to TV [coverage of the hearings] and watched until 5:30 a.m."

The questions before the American public are the ones that still gnaw at the families. If there are leads that can be traced to a living American serviceman, then there must be facts, places, dates, and descriptions or names. Some of the rhetorical questions of activists have been provocative, but at the same time the Government has jealously guarded its documents.

Through all of this, the families simply want answers and results. The Committee has focused on compelling leads and questions based

<sup>235</sup>Testimony of Steve Morrissey, Dec. 3, 1992

on facts. The families deserved no less than an honest search to understand the truth. We sought information from all sources, public and private, including activists and current and former government officials.

The families of the missing deserve not merely words, but actions, answers, and -- above all -- the truth. The Committee has labored tirelessly in their behalf to provide them the truth. It is a labor of love, devotion, and gratitude.

#### The Search for Answers

In families' search for answers, two ingredients are essential. First, they must know the U.S. is pressing Vietnam, Laos and Cambodia for all information they have. As the wife of a serviceman missing in Laos, explained:

"If these men are not alive today, it's because they were either starved, executed, mistreated, or simply died of broken hearts in the last 20 years it has taken to go looking for them. They [the Lao or Vietnamese] know where my husband is. I know this. My family will not rest until we find the fate of David."<sup>236</sup>

Second, families must know that the U.S. is doing all it can on behalf of missing servicemen. As Ann Mills Griffiths, the League's Executive Director told the Committee:

The vast majority of the POW/MIA families are realistic. We don't expect miracles. We expect seriousness by our own government, Executive and Legislative branches, rather than spontaneous reaction to the squeaky wheel or the latest editorial.<sup>237</sup>

Beyond that, however, what constitutes an answer about the fate of a missing loved one varies from individual to individual. To satisfy U.S. Government "accounting," policy requires "the man alive, the man's remains, or convincing evidence of why it's not possible."<sup>238</sup> For families, the standard is generally different: photographs are compelling for some; for others, positively identified remains are the only acceptable proof; for still others, even remains are not convincing.

<sup>236</sup>Hrdlicka testimony, Dec. 3, 1992

<sup>237</sup>Griffiths testimony, Nov. 6, 1991

<sup>238</sup>Griffiths testimony, Dec. 4, 1992

Many families know that the answers available most often are merely clues and not full answers; but few can accept inexplicably conflicting information as satisfactory, even in a partial answer:

[At the time of my brother's disappearance], the Army told us that every effort was being made to locate him, including dropping leaflets with his picture. Three months later, the story changed. They said he had been engaged in a skirmish, that he was ahead of the majority group and then shot. No other information was provided at the time and we never got his body or any of his personal effects. As far as my family is concerned, there are still many unanswered questions: What really happened? Who were the men with him? Where are his things?<sup>239</sup>

I am not expecting a miracle, but I do want to know and have an explanation/accounting of what took place. Were there, for example, eyewitnesses? Is this a crash site that has previously been excavated? What is the terrain? . . . My personal goal is to do for [him] what I couldn't do then and resolve my grief issues. . . This is the least I can do; Len and others like him made the ultimate sacrifice.<sup>240</sup>

It was during a monsoon, and due to the terrain, a ground crew could not get to the plane and a helicopter could not land. After about seven days, they presumed them dead. . . we have wondered for 23 or 24 years. Just to know for sure -- something -- would help. My mother has never remarried, thinking that someday a miracle might happen and he could come home. We all need to know. . .<sup>241</sup>

He saved seven men and carried them to a safe place and then returned to his post. All of the men he saved have since died. This is just a father who is still hoping for that "someday" when we will hear more.<sup>242</sup>

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<sup>239</sup>Sister of serviceman missing since August, 1968

<sup>240</sup>Sister of serviceman missing in South Vietnam since September, 1968

<sup>241</sup>Son of serviceman missing since 1968

<sup>242</sup> Father of son missing in action

If my father is dead, I want him brought back and buried at Arlington with the rest of the dead heroes. Because no matter what anyone thinks of the futile and tragic war in Vietnam, the men who fought there were heroes. If my father is alive after all these years, he must think we've forgotten him. I want him to know that we haven't. There is still time to bring him home. If others are alive, we must bring them all home. My wish is simple. If my father is alive, I want to know him, not things about him. If he is dead, I want to be able to put a flower on his grave.<sup>243</sup>

This search for the truth by the families was frustrated over the years by limited information from the governments of Southeast Asia, and by our own government's failure to provide satisfactory answers. In fact, according to many families, the policies and actions of the U.S. Government during and after the war not only failed to resolve the problems, but the lack of attention and focus in past years actually made things worse.

For families whose experience with the Government has shattered their faith in it, only full disclosure of everything the Government knows will reassure them.<sup>244</sup>

#### U.S. Government Actions During the War

If there is one facet of the POW/MIA issue that is without ambiguity, without disagreement, it is that the treatment accorded families of missing Americans has deepened their anguish, not lessened it.

#### War-Time Secrecy

The difficulties confronting most families were rooted not only in their kin's loss, but also in the secrecy surrounding the loss. At first, families were not told -- sometimes for years -- that their husbands, sons or brothers had been captured. The impact of war-time secrecy on the lives of families can best be described in their own words. As Donnie Collins, wife of then-Captain Tom Collins (captured in October, 1965), testified:

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<sup>243</sup>Letter, son of pilot shot down over North Vietnam

<sup>244</sup>At publication time, almost half of all POW/MIA families had responded to a DoD questionnaire asking their permission to include their kin's casualty files in the materials to be declassified (in accordance with the McCain Amendment). Of the total, 38 percent assented; eight percent declined, and three percent asked to review their casualty files before making a decision.

Mrs. Collins: Tom was missing four years, two months, and two weeks, and I received a letter from him in Christmas of '69. Now, I knew before then, but not through anything the Government did. I found on my own that Tom was seen alive in Hanoi in 1966. . . . I was more fortunate than most family members. I had friends in high places.

Sen. Smith: Do you have any reason to believe that anybody in the United States Government knew he was alive and did not tell you?

Mrs. Collins: Oh, yes, I'm certain that they did.

When families were informed of their loved one's fate, they rarely were given important details. As Mrs. Collins explained:

I, as an MIA wife, was frustrated by knowing little, being left out of the loop, and it seemed at times being treated as the enemy, more feared by the administration and military intelligence than the North Vietnamese whom we should have been unified against. This was typical of the attitude of the Government in those years.

Another MIA wife, whose husband was lost in December, 1967,

. . . was notified about my husband's MIA status by telephone. When I asked if my husband's navigator, who he had trained with, was with him, Air Force would not give me an answer. . . . since [his] navigator's wife was pregnant, I did not want to call and upset her if her husband had not been on that plane. It took a sideways call to the Pentagon from one of the colonels on base to get the needed information. He told me never to tell who got me the information.

And all were cautioned to say nothing about their husbands, sons and brothers, so as not to give their captors leverage over the men.

. . . [T]hey said, "you don't need to know this. . . . if you were to let this out, this could cause his death -- now, you wouldn't want to do that, would you?" I love that old hang-that-guilt-trip-on-them.<sup>245</sup>

The effect was devastating for many. As one MIA wife explained:

I needed the support of other families who knew what I was going through. I asked my Personnel Affairs officer

and sergeant to deliver my hand written notes to other wives who lived within 100 miles. There were only a few, but I did not know the names and right-to-privacy laws demanded that I go through the casualty office. In my notes I offered my home as a rest or coffee stop when other women came to shop. When I received no word of reply from my notes, I accepted the fact that the other women wanted their privacy and I'd have to go it alone.

Everyday some well-meaning civilian would call or come by and say, "My dear, I don't know how you do it." I'd just be devastated! When they'd leave or hang up I'd think, "Yes -- how do I do it?" I really needed the support of the other women; the other wives of POW and MIA.

I did not learn for four years that my notes had not been delivered to the single hearings or picture viewings at the base. Why were we never allowed to get together? Why were my notes withheld?<sup>246</sup>

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<sup>245</sup>Collins testimony, Dec. 3, 1992

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<sup>246</sup>Letter, Dec. 8, 1992

To her, the Government lost all credibility when its directives not to publicize the POW's fate<sup>247</sup> didn't change as soon as the U.S.

<sup>247</sup>Mrs. Stockdale described the directives this way:

In the spring of 1965, months before Jim was shot down, a Commander Hill from Naval Air Pacific Headquarters had given a briefing to us wives in Air Group 16 about how we should behave if our husbands were shot down and captured. . . .

The first paragraph [of notes I took to share with wives who could not be there] was about method of notification, with every effort being made to do this in person. And if this was not possible, then by telegram or phone, to prevent the primary next-of-kin hearing the news from the media.

The next paragraph was about immediate recommended action by primary next-of-kin. Parents of the prisoners and parents-in-law of the prisoners should be notified by telephone, we were told. They should be warned not to release any information about the prisoner and not to be interviewed by the press concerning his background.

We were told that next-of-kin should engage someone to act as her telephone operator. This person should be instructed to accept no calls from foreign cities outside the limits of the United States. No information of any kind should be released about the prisoner or his family. All such inquiries should be referred to the Public Information Officer at Air Pacific Headquarters.

We were told that the standard answer to all news agencies should be, Mrs. Blank has no comment for the press at this time. The reasons for maintaining press silence are in the best interests of the prisoner. Any information other than name, rank, serial number and age can be skillfully used in psychological warfare to coerce the prisoner to aid the Communist propaganda program.

Pictures of the family of the prisoner can also be used as coercion and thus be

detrimental to the welfare of the prisoner.

Treatment of the prisoner. We were told prisoners at present are being well treated by the -- excuse me. Prisoners at present are being treated and authorities have every reason to believe that this condition will continue. If present conditions do continue, the prisoner will probably not have to undergo brutal torture. The family of the prisoner can expect that eventually the Communists will announce that the prisoner has signed some paper which he would not sign under normal circumstances. The family should not comment on this announcement as the information is probably correct.

All prisoners to date have signed some paper which they would not be expected to do unless victims of psychological warfare.

Any medals awarded the prisoner in his absence should be accepted by the family of the prisoner when they are offered. The family may expect to see pictures of the prisoner in various compromising roles released by the Communists for propaganda purposes. Comments about such pictures only help serve the purposes of the enemy.

Communication with the prisoner. We were told the family will be given an address through which they can write to the prisoner. All letters should be of a very general nature. Children or friends should not be mentioned or referred to other than in general terms. Families are warned to delete terms of endearment from their mail, as these can be used to the prisoner's detriment.

No letters should be written that one would not be able to tolerate if printed on the front page of any newspaper.

Mail may eventually be received from the prisoner and will probably be forwarded through the International Red Cross. These letters will also be of a very general nature and will not contain any of the usual terms of endearment used by the prisoner.

knew its men were being tortured:

Giving the Johnson Administration and its Ambassador at Large in charge of prisoner of war affairs, Averill Harriman, the benefit of the doubt, some might assume that these guidelines really were engendered in the best interest of the wives.

That rationale became totally invalid for me, however, when the Johnson Administration learned for a fact certain that American prisoners of war were being brutally tortured, but continued to insist that we wives remain silent in order to continue our husband's so-called good treatment by the North Vietnamese.

I know the Government knew of the brutal torture for a fact certain, because I was the conduit who delivered the message to the Johnson Administration. Averill Harriman never came off his insistence that we wives must keep quiet in order to ensure the so-called good treatment of our loved ones.

It was not until more than two years after Averill Harriman knew our men were being tortured that Melvin Laird, Secretary of Defense in the newly elected Nixon Administration, publicly acknowledged the gross mistreatment of our men and the violations of the Geneva Convention relative to the treatment of prisoners of war.

On the 19th of May, 1969, when Secretary Laird first made this public announcement, Jim Stockdale had been in prison for almost four years. . . .

No one in the Johnson Administration, not McNamara, nor Rusk, nor the Bundy brothers, nor Clifford, ever seemed to realize that we wives were not so stupid as to not be

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Packages may be mailed to the prisoner but there will be no assurance of delivery.

My final entries say, families are strongly urged not to intercede on behalf of the prisoner without State Department approval. Independent intercessions on the part of the individual could seriously damage negotiations being conducted on behalf of the prisoner by the State Department.

able to figure out that they wanted to suppress the truth about our men's circumstances in order to keep the American public from being emotionally involved in the Vietnam War.

Just as they never called up the reserves or imposed rent controls, they didn't want the truth about our men's torture to emotionally involve the American people in their stick and carrot war.

I knew only too well they had started their war under false pretenses, because my husband had led all of the air strikes in the Tonkin Gulf incidents. President Johnson had even doubly endangered all of the lives of the men in the first air strike against the North Vietnamese mainland by announcing their arrival to the enemy on the radio an hour and a half before they arrived.

The gag order was too much for some:

Mrs. Collins: Let me just go back and point out a couple of things. That Tom was heard on the radio. He was seen coming out of the plane. He had a wing man, there were another two in the formation. He was seen on the ground. So they did know he got on the ground. They did talk to him. Yet even later on, they never allowed anyone who was with him on his wing or behind him, the two behind him, to tell me anything at all, even that bare little element to hang onto.

As I say, I can deal with dead. . . . But missing, they didn't know how to deal with missing. So they decided that the best thing to do was don't tell the families anything.

I want to remind you that Tom was security ops officer. Because of that, he had such a security clearance you would never achieve to, Senator. John will tell you that. And because of that, I was brought into the loop and I was also part of the security clearance. So Tom didn't marry a dodo who fell off the turnip truck when it went through town on Saturday. Most pilots did not.

Vice Chairman Smith: That is very obvious, by the way.

Mrs. Collins: Thank you. And because of that, why they could not sort out and tell the families the basic elements. When I later found out in early '68 that they had had this information in his jacket, I was angry but I told no one, including his parents, what was in the jacket, no one.

Now, if you read my testimony you realize that I was jumped on by big-time people. I mean State Department threatened me with you're going to shut up or else, and I never could figure out what or else was. I guess the firing squad, send Tom to Hanoi, something equally obnoxious.

As I responded to them finally, no military has control over a wife. Only the military member himself may discipline her. So if you can find Tom and get him home and he wants to kick me in the rear end, let him go at it, but don't threaten me. And finally I had to call friends in high places to get the State Department off me because I decided, in '66, to ask some questions in the public. So I was probably the first one to get swatted.

### Secrecy's Effects

The secrecy had two distinct ill effects. First, it back-fired:

. . . the old military cliché that wives and families should be told nothing and should know nothing was, and I presume to some degree is still, the rule. This is an over-reaction to legitimate military security needs, and has probably resulted in more inadvertent leaks through ignorance than if the spouses and families had been brought into the network in matters that concerned them. . . . Had they brought us into the loop, telling us the things that we had a right to know from the onset, we would never find ourselves in this position today.

Second, and far more damaging to both families and subsequent Government efforts, the secrecy made families an easy mark for any con artist with information to peddle. In Collins' words:

The closed-door attitude of the Government, which started and became ingrained in the early war years, has contributed greatly to making the families vulnerable and prey for the antiwar activists on the left and the con artists and mystics on the right. If the Government was silent to their questions, then where were they to go for information and help? Some elements of both groups meant well, but their impact has been cruel to the families.<sup>248</sup>

Another witness, Carol Hrdlicka, laid the blame for fraudulent schemes more forcefully at the Government's door:

<sup>248</sup>Collins testimony, Dec. 3, 1992.

I can appreciate these other scams, but I have to tell you that if our Government had done their job in the first place, I wouldn't be in the situation where I could be a victim or Carol Collins could be a victim.<sup>249</sup>

In sum, another MIA wife said:

I tell you as I told the [PFOD] hearing: if a situation like this happens again I hope you all are smart enough to know you can trust the families with inside knowledge to protect them from con artists. I did not bite when asked for a donation to bring home the men. I felt I had paid enough.<sup>250</sup>

### Mis-Reporting

When Evidence Suggested Death

Tragically for many families, strong incentives existed for combat veterans to soften the blow that reporting a buddy killed in action would deliver to families. Admiral Stockdale felt the pressures after he witnessed a plane go down:

He was in an AD -- last called a Mayday, hit about 1,000 feet going in a steep dive, and of course, as you know, John, [there was] no ejection seat in that plane. They went out there the next morning and they found that the Vietnamese had removed the debris.

And the squadron commander said the guy is -- he's dead. And I went up to see Captain Bart Connally and I said I'm just getting started in this thing. And I sent the message, whether I should have called him KIA or MIA. . . . He said, "I did this in World War II, of course, and, he said, there's a great temptation to do the wife a favor. But in the long run I think you do her an injustice, because you're giving her the wrong message. If you think he's dead, say he's dead."

Now, I did that [reported the man killed in action]. . . . I've been told that people who were seen to spin in the traffic pattern and crash in their plane were listed as MIA for that same darned reason. We ought to think of a better way to compensate families besides lying to them.

Gen. Vessey had experienced the same situation:

<sup>249</sup>Hrdlicka testimony, Dec. 3, 1992

<sup>250</sup>Letter, Dec. 8, 1992

Sen. McCain: You and I have discussed, and I mentioned to Admiral Stockdale yesterday, this very tragic situation that exists when a person is listed as missing or captured, especially in the case of the air war.

There were cases that we know of -- Admiral Stockdale cited one yesterday, where the plane hit the ground and exploded and no chute was cited; but with the knowledge that if that person is declared dead, all benefits cease after his death (gratuities, insurance, etc.), [his buddies listed] that person as missing. Then the pay and benefits continue for an indeterminate length of time.

Do you have any idea how we can get around this dilemma, General?

Gen. Vessey: . . . It's something that drives our making inaccurate reports. The very fact that you deprive your comrade's family of their livelihood by declaring him dead. . . so the inclination generally has been, if there's any doubt at all, move [the status report] toward the missing rather than face the facts. . . . I think the present system will drive us to the same problems that we had from the war in Vietnam.

In 1973, Lt. Cdr. George Coker cited two examples of what he had seen as a Navy pilot in an address to the National League of Families:

A guy is flying, he does see his wingman shot down. Two guys go in, and they're deader than a doornail. He's thinking to himself, "If I report that they're dead, the wife's going to be brokenhearted, she'll get death gratuities, and that's it. If I report him MIA, his pay keeps going, and it will cushion the blow for a little while."

"I just saw your son fly into the ground." Do you think I'm going to tell you that? Hell, no, because the way I think, if I tell you your son got target fixation and flew into the ground, to my way of thinking, what I would be saying to you is, "You know, what you had for a son is a real idiot."

That's not true, so what am I going to say? "Well, he flew down, and he probably lost control, he was probably hit by a 57 or something and lost control of the aircraft and went in." But I'm not going to say, "I think he had target fixation." . . .

But now I've given you a shred of hope. It's not an out-and-out false report. I told you he flew into the ground,

but I just twisted 'why.' So now he has the option of ejecting.<sup>251</sup>

#### When Evidence Pointed to Life

However, the Committee also uncovered cases where servicemen were reported as dead, in view of information suggesting survival. Moreover, the families were never provided with this information.

For example, the Committee notes the following comments from the family members of two cases in particular:

Lance Corp. Kenneth L. Plumadore was officially listed as KIA/BNR, although a 1992 case narrative from the JTF-FA indicates that PAVN forces may have captured him. IN 1992, Plumadore's sister wrote to the Pentagon:

If what I am told is correct and the government continues to withhold intelligence data on my brother's capture that has been concealed from his family for 25 years, I submit to you the following questions: What reason is there for secrecy now? Why am I not entitled to know everything about my brother that you know?<sup>252</sup>

Maj. Robert F. Coady, USAF, was listed as missing in Laos since 1969. His family was only provided the initial loss report, but recently discovered that there was additional information which suggested that Coady may have survived his incident. In 1969, the U.S. Embassy in Laos reported a possible correlation between Coady and a similar name reported by a POW who returned in 1969. Coady's sister wrote to the Committee in August 1992:

When my family asked if there was any information on my brother, we were told there was nothing but the initial report of his loss. I could not believe that after 17 years of believing the Air Force I found out that there was information regarding my brother not given to the family. I find this totally unacceptable.<sup>253</sup>

A final example concerns a serviceman believed dead during the war, but subsequently determined to have been captured. This example was brought to the Committee's attention in November 1991 by Dr. Patricia O'Grady, the daughter of Col. John O'Grady, who was captured in 1967 in Vietnam:

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<sup>251</sup>Coker, Oct. 27, 1973

<sup>252</sup>Patricia Plumadore letter July 14, 1992

<sup>253</sup>Judith Coady Rainey letter Aug. 29, 1992

O'Grady: I testify before you today on behalf of my father, Col. John O'Grady, who is finally known to have been captured alive. This information could have been obtained many years ago, but after 24 years, I can finally tell you how many cigarettes were in his pack, and I can also tell you where his actual captors live today. Yet this information was not released to me directly or readily. This information was only released to me accidentally. . . . up until 1991, August of this year, they have disputed that my father was in fact captured alive.

Sen. Smith: . . . but now they say otherwise?

O'Grady: Now they say it, based upon the fact that they have finally found his actual captors and they interviewed them in detail.<sup>254</sup>

Public Relations Campaign

Late into the war and after enormous pressure from POW/MIA families, the U.S. Government began to publicize the plight of the POWs in order to keep pressure on the North Vietnamese and gain support for the war at home.

The courageous attempts by H. Ross Perot are particularly noteworthy. His efforts to bring food, medicine, and Christmas packages to POWs in 1969 and 1970 and to publicize their condition improved the way they were treated, as returned POWs later described when they returned. President Nixon's description details Perot's activities and their impact:

Ross Perot supported what we were trying to do in Vietnam, unlike many other people in the business community who took a walk, and I appreciate that. He did everything he could to help the POWs while many others were doing nothing at all. At a time when many people in the American establishment were not supporting the POWs, Ross Perot was doing so.<sup>255</sup>

Sen. Smith noted Perot's accomplishments when he welcomed him to testify in August:

My words of thanks for your efforts, Mr. Perot, pale in comparison to the recognition you have already received from former POWs themselves, the families, and our nation's veterans groups. As many know, Mr. Perot has a painting proudly hanging in his office which is signed by all the POWs who came home in 1973, thanking him for

<sup>254</sup>O'Grady testimony, Nov. 6, 1991

<sup>255</sup>Nixon interview, July 1992

drawing public attention to their plight. I also note that the Department of Defense awarded Mr. Perot its highest civilian honor for his efforts -- the Defense Medal of Distinguished Public Service.<sup>256</sup>

But the P-R campaign had a stark down-side as well, as families learned when it the war ended and many forgot the POWs. In 1972, Defense Secretary Melvin Laird held a press conference to pressure Vietnam by focusing on 14 men not on Hanoi's list of POWs. "All 14 men were known to be alive, on the ground in North Vietnam, or were at one time actually identified by the North Vietnamese as having been captured," he told his audience.<sup>257</sup>

In 1973, when not one of those 14 came home -- including Ronald Dodge, who was shown in captivity in 1972 in a Paris Match photo -- there was no follow-up press conference. No similar U.S. effort was mounted again publicly to raise families' unanswered questions about their loved ones' fates to public attention. The families' feeling of being abandoned, with their men, still persists: As Dodge's widow explained:

Sen. Reid: What more do you think we as a committee could do that we have not done? . . .

Ms. Otis: . . . what I've been wanting is for the public to really care. And I know it's been really too long, but the Government and the media didn't press this in the beginning. They just assumed everybody was dead. And we felt so abandoned because not only did our Government or the media care, but the public didn't seem to care.<sup>258</sup>

<sup>256</sup>Sen. Smith, Aug. 12, 1992

<sup>257</sup>In fact, the list was a mish-mash that included one reported by a returned POW to have died in captivity, five considered to be POWs by neither the DIA nor their own services, and four more considered to be POWs by the DIA, but not their own service. To date, the remains of 10 of the 14 men have been repatriated; the family of the 11th has seen photographs documenting his death, but his remains have not been repatriated.

<sup>258</sup>Testimony Dec. 3, 1992 of Janis Otis Dodge, wife of POW lost in May, 1967. Ronald Dodge's remains were returned in the early 1980s; in December 1992, Senators Kerry and Smith obtained from the Vietnamese a document, believed authentic by the DIA, indicating that he survived five days in captivity.

## Post-War Government Policies

### Presumed Findings of Death

For years after the war ended, few Americans wanted to re-examine its effects; families' questions were greeted with silence.

Then, beginning in 1978 and continuing through 1981, came proceedings to declare missing servicemen dead. The "presumptive findings of death" pitted families against the Government, with many trying to prove life against a presumption so strong that even post-capture photographs and other "hard evidence" failed to persuade the judges. Only one, Charles Shelton, remained listed as the symbolic POW.

For those who accepted the death of their kin, the proceedings were welcomed. They provided finality for a situation that left families dangling, letting families go on with their lives. But for those who had not gotten satisfactory answers, the rulings were traumatic. Their own words best express the experience:

These men -- many -- were declared dead not on information, but on the lack of information, that we had. . . . Your comment that 'this thing has taken on a life of its own' is so very true. It has taken over my life, and many others' unable to go through the steps of grief and dying and acceptance because of this limbo.<sup>259</sup>

Commander Dodge's status change hearing was in February 1979. The next-of-kin had to prove the missing serviceman alive. The Government, with all of their resources, did not have to prove him dead.<sup>260</sup>

In 1977, the Air Force Casualty Office contacted me and advised me that they were going to review David's case, and unless I had any new evidence that he was alive, they were going to declare him dead. I then stated that I had no evidence since I was not allowed access to intelligence. Why is it that the burden of proof is always on the families?<sup>261</sup>

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<sup>259</sup>Letter from the wife of a servicemen missing in South Vietnam since March, 1968.

<sup>260</sup>Otis testimony, Dec. 3, 1992.

<sup>261</sup>Hrdlicka testimony, Dec. 3, 1992

The process, and not only its conclusion, worsened the matter for many families. As the wife of a serviceman missing in Laos in December 1967, explained:

He said the hearing would be held and told me the day. I told him I'd get in touch with my children and we'd be down. He said, "Oh, you don't need to come. It is just a hearing. We will let you know about it." I said, "You are talking about killing off my husband legally. The way you've talked to me so far, I don't trust you."

. . . . He said, "Isn't there anything I can do?" I said, "You can make reservations for me at the visiting quarters. There will be my son, two daughters, my mother and myself." He said, "Oh, I can't do that. You can't stay there. You'll have to get a motel."

They closed my husband's case and declared him killed in action as of August 17, 1979. He was such an honorable, straightforward man; he would not be pleased with the situation I'd been placed in all of these years.<sup>262</sup>

The League of Families chronicled the process from families' perspective:

Immediately after the signing of the Paris Accords, January 27, 1973, the Department of Defense planned to initiate presumptive finding of death rulings based on U.S. knowledge of incident circumstances and lapse of time without information to indicate the individual was still living. What was obviously not yet available was knowledge from the Vietnamese, Lao or Cambodian governments. . . the families, under the umbrella of the League, initiated a class-action suit to stop the status reviews. . . .

The court decided. . . that PNOK [primary next-of-kin] receiving compensation must be provided hearing rights. The Defense Department extended these rights to all PNOK, whether or not currently receiving government benefits. . . .

some in the League publicly offered to return their government pay if active-duty status could be retained. This was to prevent the Indochinese governments from throwing back the claim that our own government had legally determined our relatives were dead. This, too, was unsuccessful.

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<sup>262</sup>Letter, Dec. 8, 1972

With the presumptive findings of death came another problem; the more presumed dead, the fewer it appeared were still prisoner, missing or unaccounted for from the Vietnam War. We, the families, knew that legal administrative rulings had nothing to do with accountability and that the numbers were actually more [than mere numbers] -- they were Americans. . . .<sup>263</sup>

#### Changing Definitions

At the same time, the U.S. Government added to the POW/MIA list. At the end of 1978, 224 were listed as POWs; by the end of 1980, that had grown to 2,500 -- simply by changing the definition to include war-time killed-in-action.

Taken together, the action seemed to signal that the Government had made a decision was being made to move on -- that one serviceman, whose fate was uncertain, now would get the same level of attention as the next, whose death was witnessed by his comrades.

The solution was satisfactory to no one, and the stroke-of-a-pen changes, based not on facts but on some other consideration, raised even more questions about the sense and sincerity of Government efforts.

#### Live-Sighting Reports

For scores of families -- including some whose kin's remains had been returned -- the next information to be confronted came with the flood of Vietnamese refugees: reports that Americans were alive in Southeast Asia. The reports were tantalizing, and the heavily blacked-out sections of classified information made them more so. The slowness of live-sighting investigations, and the fruitless efforts of families to gain access to the intelligence contained in hundreds of these reports, marked a new battlefield for many families.

Questions during the mid-1980s about the sincerity of U.S. efforts heightened families' concerns. While some of the allegations of conspiracy or incompetence came with fund-raising appeals, others were leaked by insiders with no readily apparent motive besides altruism. A spate of internal DIA reviews spelled out the agency's shortcomings and, for many, confirmed fears that the "highest national priority" label assigned to POW/MIA efforts by the Reagan Administration was nothing more than words.

<sup>263</sup>Griffiths letter, Aug. 6, 1992

#### Repatriation of Remains

For some 379 families, the next development was the return of remains from Southeast Asia. In many cases, the remains were only fragments of bone, sometimes commingled in the casket with another servicemen who had died in the same crash. Sometimes, they were determined to be the remains of Asian people; in a few cases, they were found to be animal bones. Serious questions about the capability of the U.S. lab that identifies remains to make accurate determinations further shook families' faith in the U.S. Government (see Chapter 5).

In the half-century since World War II, technology has bettered the chance of identifying remains, but the science is far from an exact one.

There have been so many conflicting reports concerning Bill. We have always felt he was alive, and being held in Russia, even though remains (a few single teeth said to compare favorably with Bill's) was sent home in November of 1957. When we had the casket opened by court order, we found a sack with a few single teeth and a few bone fragments so that identification was impossible as far as we were concerned. We buried the body as Bill, even though we still believed that he was in Russia.

We have felt so helpless all these years, trying and trying to get positive proof of whether he is in Russia or not. My parents both died believing that the U.S. Government had not been honest with them. . . .<sup>264</sup>

The combination of:

- . past experience with the Government on POW/MIA matters;
  - . only partly conclusive results; and
  - . the few number of bones available to make the determination
- makes it impossible for many families to accept the remains as proof of their kin's death.

Each day I wait, and look, and hope for some revelation as to how did my son die -- if he did! Oh yes, I know my Government considers [his case] a closed book because Hanoi sent back a box of bones with his name on it. But

<sup>264</sup>Letter from the sister of a serviceman captured near Burma during World War II

there was no identification tag, nor picture, nor anything in the way of personal effects found on his person returned to us. No fingerprints! No dental records!

I do know Hanoi had David either dead or alive -- the Pravda (1965) article told me that. He did not go down in his plane as previously thought. I want any and all information my Government has on David -- my family can handle it! . . . .<sup>265</sup>

#### Casualty Officers

I was shocked, surprised and stunned. . . . It took some getting used to, and I can't describe the overwhelming relief I felt, knowing how, where and when he died, and that it was quick. . . . My baby, Sue, was six weeks old when the telegram was delivered to me. . . . In an instant, I [had] lost my husband, home, status as a wife, social life, my planned future -- and I was just getting over childbirth. I heard nothing from the three surviving crew members. All official business was handled by mail. I had no advisor or advocate from the military to help me sort out my life and figure out what I should do. I felt abandoned. . . . a way must be found to see that dependents of men who died serving their country are given the personal support they need.<sup>266</sup>

The Defense Department has come a great distance since the days of telegrams announcing the loss of a serviceman. Today, officers serve the point of contact for families and the efforts of most are well-regarded by the families they serve.

However, few have the experience and clout needed to pry information out of the DIA, and their stints in the job are short: except in the Air Force, assignments last no more than three years. This forces families to drive the information-gathering process -- and their lack of security clearance and knowledge ill-equips them to get the answers they seek.

Simply put, the agencies of our Government responsible for the MIA issue do not provide us of their own volition and in a timely manner all information that they had

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<sup>265</sup>Letter, December 1992

<sup>266</sup>Wife of serviceman missing since October, 1952; advised by telephone in November, 1992 that Soviets had recovered his remains

about my father's fate, despite their often-repeated promise to do just that.<sup>267</sup>

The inability of casualty officers to satisfy families' legitimate needs for information often worsens communication. In their eagerness to learn all they can, many families have turned to other channels -- pressing intelligence analysts or private activists for more. The different interpretations, and sometimes different facts, obtained through these channels have exposed a bureaucracy that is lumbering and often senseless in its operations. It has left many families unsure about who to believe.

Our family has never been officially told that Steven was taken prisoner, but we had received a declassified document from another POW/MIA family, that stated Steven was positively identified by photograph in November of 1968 (three months after his disappearance) as being taken prisoner. I do not know which list he now falls under, the 111 confirmed to have died in captivity or the 133 of whom no other information is available. I'm sure we will be notified in time.

I just wanted to say we are proud of Steven for his unselfishness in fighting for his country, and how proud we are of you and the committee for having the courage to look into this matter to the extent you have in order to resolve the issue.<sup>268</sup>

Secretary Cheney's plan to use the POW/MIA office to trouble-shoot is commendable, but further efforts to unify POW/MIA operations are needed. Too much is lost in "translation" between the men and women in the field and POW/MIA families, because information goes first through DIA and then casualty office channels. Oftentimes, information also is passed through the Inter-Agency Group (see Chapter 5), further delaying notification of the individual's family.

While the Committee recognizes the need for some "channels," it also urges DoD to let the public, and especially family members, hear directly from those who have first-hand information about searching for unaccounted-for servicemen.<sup>269</sup>

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<sup>267</sup>Steven Morrissey, son of Maj. Robert Morrissey, lost in Laos in November, 1972.

<sup>268</sup>Brother of serviceman captured in place in 196

<sup>269</sup>Until the Committee's November 1991 hearings, field investigator had not spoken publicly about their work

## Families Turn Elsewhere for Help

### The National League of Families

The League's origins can be traced to the West Coast during the late 1960s. Sybil Stockdale, wife of Admiral James Stockdale, the ranking POW in the "Hanoi Hilton," initiated the movement which evolved from a loosely organized, small group of families into the formal organization now known as the National League of Families of American Prisoners and Missing in Southeast Asia.

The impetus for this action was the strong belief by these POW families that the U.S. Government's policy of keeping a low profile on POW/MIAs was unjustified and causing the families undue pain -- and perhaps even risking the lives, health and the very return of their missing loved ones (as described above in "War-Time Secrecy.")

In October 1968, the first media account of a POW story was published. As a result of that story, many families began to communicate directly with each other. What once was a small group grew to hundreds and ultimately several thousand family members.

The League's first major activity was to directly confront the North Vietnamese delegation in Paris with inquiries about the fate of their loved ones. On other occasions, family members travelled to Laos and Vietnam on their own to seek answers.

Over the past 25 years, both during and after the war, the League has pressed hard through its public awareness programs and its intense pressure on the U.S. Government to get answers. The League's goals are:

- to obtain the release of all prisoners;
- repatriation of all recoverable remains;
- to provide the fullest possible accounting for all of the missing.

Through the U.S. Government's POW/MIA Inter-Agency Group, the League has participated over the last decade in the development of official policy in the areas of intelligence and diplomatic efforts on the POW/MIA issue. The participation of the League's Executive Director, Ann Mills Griffiths, as a member of the IAG has led to great controversy and division among family members (see Chapter 5), but even critics recognize that Griffiths' participation on the IAG has given the League a key role in influencing government policy on the POW/MIA issue, however. In addition, the Committee recognizes that the League has provided a continuity to changing U.S. officials' responsible for policy on this issue spanning 25 years and five Presidencies of both political parties.

### The National Alliance of Families

The Alliance was founded in Seattle in June 1990 under the leadership of Dolores Alfond, sister of Maj. Victor Apodaca who is missing from the Vietnam War. The Alliance has been a leader in the effort to unite family members, former POWs and other citizens who seek information on missing personnel from World War II, the Korean Conflict, Cold War incidents, and the Vietnam War.

The Alliance also has been a strong advocate for the declassification of all Government documents pertaining to the missing from these wars. Another primary purpose of the National Alliance has been to educate communities (including public and civic organizations, schools, and the general public) about POW/MIA issues. Like the League, the Alliance also has held major forums with family members and Government officials in Washington, D.C.

### Fellow Combat Veterans

Another, natural alternative for families hungry for information was the men who served with their kin. Contacts were ad hoc and often secretive: officially, the Government observed servicemen's privacy rights; unofficially, individual servicemen often passed on information as personal favors, and witnesses regularly reached out to their buddies' families voluntarily. For untold numbers of families, the stories that these witnesses told made the difference.

I know my brother went down into the South China Sea. The radar technician was a very good friend of the family and he watched the plane go down into the sea. So I feel I know where my brother is. I feel he was not captured, so as far as I'm concerned, he's gone. Let him lie in peace.<sup>270</sup>

For some veterans, though, the requests continued -- from family members unable to accept their necessarily incomplete stories, or from children who wanted to hear it first-hand. Often, the requests were not only for the facts of a 20-year-old incident, but for an explanation of the war itself, an answer to rumors, and more. In one letter to the son of an MIA, his co-pilot struggled to answer cosmic questions with a careful recounting of facts:

What happened to your dad and I was the real definition of rotten coincidence. . . . [We were on a mission to make] strikes into Laos and Cambodia to stop supplies from getting into South Vietnam from the North. We didn't talk much about them only as a matter of policy. There were not "secret missions" or CIA-driven. . . .

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<sup>270</sup>sister of KIA-BNR

As we rolled in and released the bombs, two anti-aircraft rounds struck the airplane on the starboard (right) side forward of the engine intake. The explosion caused the engine to explode also and the right wing blew off at the fold. At this point, we looked at each other and ejected from the aircraft. I went out a second or so before Mike and wound up on the west side of a small river. He was on the east. . . the material and people we were after were there.

I gathered my stuff, hid it, called our wingman and tried to talk to Mike on the radio kind of all at once. I also found that my hands and face were burned pretty well and there was some shrapnel in my arm and head. At this point, these were the least of our problems. I then tried to find Mike by wandering around in the jungle in the dark (12:30 a.m.). Not a good idea as I fell down a small cliff (8-10 feet) and had to climb out. At this time I could see down to the river and saw 4-6 troopers come across the river and head my way. I hid in a bamboo thicket and waited. . . .

There was enough evidence that Mike might be held in the general area where we were hit that a "bright light" team was interested to attempt to find and rescue him. They are mercenaries that "lived in the area." They found nothing indicating his having been there. You've been told the rest and most likely more than I. It was hard to accept, but I feel he was killed that first night. I would hope that I was wrong.

Your dad was a great guy and a good friend. He did his job better than most, but unfortunately was killed. The best part is he was doing what he loved the most.<sup>271</sup>

#### Private Groups

. . . you become obsessed. You cannot sleep, eat, work, because you would waltz with the devil to bring one man home.<sup>272</sup>

The Government's shortcomings in live-sighting investigations and elsewhere prompted some families to turn to latter-day Rambos, as

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<sup>271</sup>Co-pilot of serviceman missing in Laos since December, 1968

<sup>272</sup>Carr Collins testimony, Dec. 3, 1992; former wife of serviceman missing in Laos since 19\_\_.

well as to responsible veterans and family organizations, for additional help.

Most of us have been tempted at some point to participate in some form of POW rescue based on nothing more than questionable and circumstantial information at best, such as unverified photos, live sightings, and anonymous reports. If it sounds hokey and mystic, it probably is, and it almost always plays a very cruel hoax on the families by raising false hopes. . . .

I am very pleased to know this committee will take up these issues and problems in the near future, and hope this will eliminate once and for all the con artists, and clear the way for those who are credible and knowledgeable to resolve the long standing tragedy of our MIAs.<sup>273</sup>

Another POW/MIA wife was not able to ignore the information proffered by a private group:

After the [positive] analysis had come out from Los Alamos and Dr. Charney I began to doubt my own view of the picture, which was there was a slight possibility that it could be Don. I mean I just -- I did not know. But something that my son said to me sort of turned me around. He said, "Mother, that picture is obviously an American. I mean he looks like an American to me. . . . he's somebody's father, he's somebody's brother, husband, cousin. If there's a chance in a billion that it's my dad, you've got to do something."

So with that, that's when I started.<sup>274</sup>

The result of many encounters are devastating, emotionally and financially.

One former Congressman was shown on a nation-wide television show telling a national audience that he knows who the prisoners are and where they are. He should be made to go on nationwide television and retract his lies.

One former Lieutenant Colonel has been exposed on television for claiming a photo he obtained was of an American prisoner still in captivity. This was nothing more than a diabolical plot to raise money; [it] caused the family involved untold grief and compelled our

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<sup>273</sup>Collins testimony, Dec. 3, 1992

<sup>274</sup>Carr Collins testimony, Dec. 3, 1992

Government to expend untold assets to track down this 'prisoner.'

One extremely convincing former Lieutenant Colonel Bo Gritz hoodwinked me into believing his story that he knew where prisoners were being held in Laos and could get them out. In 1981, the prisoner and missing issue was getting little or no attention and I saw this as an opportunity -- not necessarily to recover my son, but to get at least one prisoner out to prove what we had been working for. Since my wife and I had been notified by the Navy Department that our son "had survived to evade" and were informed by his squadron commander that Nick had been captured and escaped, I am sure you can appreciate the vulnerable situation we were in. The "secret rescue mission" failed very quickly; it never got out of the state of Florida and cost us \$30,000, with nary an apology.

. . . I am not bemoaning the loss of money since that operation is one-tenth of the amount our family has spent in our 23 years of involvement. But I do believe that this Committee has a responsibility to investigate and, where necessary, prosecute these incredible liars. . .

The fraudulent sideshows also sidetracks U.S. investigators away from serious leads and force them to chase phantoms:

Sen. McCain: "How much of the effort that your organization is engaged in has been -- how much of your assets have had to be diverted to tracking down the bogus pictures and the hoaxers?"

Mr. Sheetz: At times, Senator, I would tell you that that process has literally precluded us from doing anything else. Because the political pressure has been so intense and the high interest among the people in the Government, this committee, the American public, to know what is the truth on those cases. . . It's an opportunity-cost argument. Essentially, what you're doing is dropping the work that would probably have more payoff to chase after things that ultimately turn out to be useless exercises.<sup>276</sup>

<sup>275</sup>George L. Brooks letter Dec. 1, 1992; father of Lt. Nicholas G. Brooks (USN), shot down over Laos Jan. 2, 1970, and Chairman Emeritus of the National League of Families.

<sup>276</sup>Robert Sheetz testimony, Dec. 1, 1992

## Discussion

The committee wishes to commend the families and advocacy groups for their strong leadership and perseverance over the years. They have moved the issue in a positive manner in spite of incredible obstacles. The most difficult obstacles were the intransigence of the Communist governments and the lack of focus and attention by the U.S. Government at many points during the last 40 years.

At the Committee's first round of hearings, in November 1991, all witnesses -- families, activists, and government officials -- agreed that, ". . . one of the most important things that could come out of the early days of these hearings is a new structure, and a new relationship process with the families."<sup>277</sup> Assistant Secretary Carl Ford explained:

. . . we didn't lose our credibility with you, with the families, with the American people overnight and we're not going to gain that credibility back overnight. . . . The only thing that is going to persuade people is our actions and our results, and to prove over time that we are serious, that we do mean what we say, and that despite occasional setbacks, despite occasional human errors, we're going to demonstrate over the next months and weeks, years, that we can do it better than we have done it in the past. That's our only commitment, to try. And if there are problems that this committee uncovers, we'll try to fix them.

In addition to other steps noted above, two actions taken on behalf of POW/MIA families during the last year have been significant:

- . To answer families need for an ombudsman that both DIA and casualty officers would respond to, Defense Secretary Richard Cheney created a top-level liaison office at the Pentagon in January 1992. The job of the Deputy Assistant Secretary for POW/MIA Affairs is to spearhead POW/MIA policy-making and to try to get answers when casualty officers cannot.
- . POW/MIA documents were ordered declassified in July 1992 by President Bush, at the unanimous request of the Senate. This step was taken in conjunction with the establishment of a central "library" that families can turn to for consolidated information about their case and others, in accordance with an amendment sponsored by Sen. McCain and enacted in November, 1991. (See Chapter 5, Declassification).

The most substantive response to families' concerns, however, has been field operations that have put American troops on the ground

<sup>277</sup>Kerry, Nov. 5, 1991

in Vietnam, Laos and Cambodia to search for answers. For most of the past 20 years, U.S. investigators shuttled back and forth from Bangkok to Hanoi whenever they could get permission from Vietnam. Then, a month before the Committee was formed, a temporary U.S. POW/MIA office in Hanoi was permitted to open; that became permanent in November, 1992.

Increased Vietnamese cooperation, won by Presidential Emissary Gen. John Vessey (USA, Ret.), Assistant Secretary of State Richard Solomon, and three Senate delegations to Southeast Asia, widened U.S. investigators' access, letting them go to places where Americans were reported seen alive after the war, talk to prison guards and others who may know what happened to missing Americans, and examine archives and top-secret files that hold promises of more answers.

For many POW/MIA families, however, 20 years' experience dealing with the Government makes it difficult to accept these new promises. Answers about their kin's fate are still necessary -- but they are not sufficient to explain the intervening 20 years of U.S. Government run-around and worse -- and the lack of concern by Communist governments for basic human dignity.

The Committee's review of past family experiences reflects an array of problems in dealing with our government that never should have happened. With proper organization, planning, sensitivity and openness, the Committee believes these problems can be avoided in the future.

#### Recommendations

The Government has wavered repeatedly in its efforts to account for missing servicemen. Their families never have.

POW/MIA families want action, not more promises. The best that the U.S. Government can do for them is to do its best for their missing kin. The Committee believes the following steps must be taken to assure families that the Government is doing its best, and not simply assigning a priority that is merely words.

Accordingly, the Committee recommends:

- . Those actually working on POW/MIA accounting in the field in Southeast Asia should be made available, when schedules permit, to meet with families in the United States.
- . Military service casualty offices should be headed by civilians who are not subject to the kind of routine duty rotations experienced by military personnel. Individuals in these sensitive positions must have experience and a base of institutional memory if they are to deal effectively and knowledgeably with family members.

- . The resumed publication of a regular newsletter containing POW/MIA related information would be a useful means of sharing new developments with the families.

- . Guidelines should be established immediately for the creation of a central computerized data base within the Executive branch with information on all unaccounted for U.S. personnel from past military conflicts, to include World War II, Korea, the Cold War and Vietnam. All relevant casualty and intelligence data, in addition to any recently obtained information potentially correlating to a specific case should be made readily available to family members and researchers through the central data base. On-line access to the central data base should be made available through an easily accessible modem system.

Procedures also should be developed to ensure that requests for information contained in the data base can be processed easily so that family members receive prompt, printed responses when necessary. Additionally, procedures should be established by the Department of Defense and the Department of State to ensure that the data base is updated regularly. The Committee further recommends that the Secretary of Defense authorize the DOD family liaison officer to work with the service casualty officers to develop a data base program which meets the needs of families and researchers who need to use the system.

- . Family members of Vietnam era POW/MIAs who would like to travel to Southeast Asia for direct discussions with appropriate U.S. and foreign government officials should be encouraged and helped to do so.

## Chapter 8

### Gauging Cooperation of Southeast Asian Governments

It is not possible to account for the Americans who are missing from the war in Southeast Asia without cooperation from the governments of the region, especially Vietnam. Over the years, our government has requested this cooperation in four forms.

- . First, we have requested all information about live American prisoners, former prisoners or deserters.
- . Second, we have asked for the return of any recovered or recoverable remains of missing American servicemen.
- . Third, we have sought access to files, records, documents and other materials that are relevant to the fates of missing Americans.
- . Finally, we have asked for permission to visit certain locations within these countries to investigate live-sighting reports and search for actual or suspected airplane crash sites.

#### Vietnam

The U.S. has long believed that Vietnam knows a great deal more about the fate of missing Americans than they have acknowledged. This view was based on our belief that the North Vietnamese maintained detailed records of U.S. servicemen who came within their prison system during the war, including many lost in North Vietnamese-controlled areas of South Vietnam, Cambodia and Laos. U.S. intelligence agencies are convinced, moreover, that the Government of Vietnam at one time recovered and stored an unknown quantity of remains of American servicemen, apparently for release at politically strategic points in time.

The level of U.S.-Vietnamese cooperation in accounting for missing Americans has varied over the years depending on bilateral and global political conditions and on the degree of emphasis placed on the issue by U.S. officials. At the time the Select Committee was created, there was considerable progress being made in the investigation of discrepancy cases, and an agreement had been reached with Vietnam to allow an official DoD investigating presence to be established in Hanoi.

Over the past year, Committee members have visited Vietnam on four occasions to press for further cooperation. Those visits, coupled with ongoing efforts from the Executive branch, have yielded substantial results. Below is a discussion of the evolution of U.S.-Vietnamese cooperation on the issue, from the end of the war to the present.

From Operation Homecoming until 1982

Article 8 of the Paris Peace Accords required the exchange of prisoners of war, the exchange of information about the missing in action and the return of all the recoverable remains of those missing men or prisoners who had died. Although the agreement did not extend technically to Cambodia or Laos, the U.S. negotiators were assured that North Vietnam would cooperate in efforts to repatriate American prisoners captured in Laos.

As described elsewhere in this report, the atmosphere of reconciliation produced by the peace agreement did not last long. The North Vietnamese continued to funnel arms to their allies in the south; the U.S. continued to bomb Cambodia and, at times, Laos; the South Vietnamese did not cooperate in releasing civilian prisoners; and the Viet Cong continued doing all it could to increase its military and political strength. Amidst this atmosphere of contention and accusation, efforts to account for Americans missing in North Vietnam, Laos or Cambodia did not get off the ground.

A total of 591 American prisoners were repatriated in Operation Homecoming, a lower-than-anticipated number that disappointed the nation. U.S. officials had hoped for the return of more than 80 others who were listed by the DIA as prisoners of war, and at least some of the many hundreds who were listed as missing in action.

From the end of Operation Homecoming to the fall of South Vietnam in 1975, the United States Government pressed the North Vietnamese to cooperate in accounting for our missing, but succeeded only in obtaining the remains of 23 servicemen. The United States focused its appeals to North Vietnam on what later came to be called "discrepancy cases." These were men for whom we had information that they had survived their incidents of loss and were known or appeared to have been captured by the enemy, and for whom we had received from Hanoi neither their remains nor information about their fates. Even before Operation Homecoming was complete, Dr. Kissinger raised a number of these cases directly with the North Vietnamese in Hanoi.<sup>278</sup> The North Vietnamese were unresponsive to U.S. requests.

The responsibility for carrying out the technical work involved in accounting for missing Americans was assigned to the Joint Casualty Resolution Center (JCRC), established in January 1973. Working under difficult and sometimes hostile conditions, JCRC teams were able to recover some American remains from old battlefields in South Vietnam. Among the last American servicemen to be killed by

<sup>278</sup> See Chapter 2 for more detail on Kissinger's February 1973 visit to Hanoi.

hostile fire in Vietnam was a member of a JCRC field team who was shot and killed by the Viet Cong on Dec. 15, 1973.<sup>279</sup>

All JCRC field activity ended with his death; diplomatic efforts to obtain an accounting through the Four-Party Joint Military Team ran into a brick wall as a result of the overall problems of implementing the agreement; and virtually all official U.S. contact with Vietnam was terminated after the fall of Saigon and the unification of Vietnam under the North's control.

In November 1975, the House Select Committee on Missing Persons in Southeast Asia, chaired by Representative G.V. "Sonny" Montgomery, sought to meet with Vietnamese officials for discussions about unaccounted-for Americans. To accommodate Hanoi's insistence that such POW/MIA questions be part of broader discussions on a range of U.S./Vietnamese bilateral issues, the Montgomery Committee agreed to include members of other committees in its delegation.

In a Nov. 14, 1975 meeting with Montgomery Committee members, Secretary of State Henry Kissinger had recommended that the members discuss the "MIA issue in the context of normalization rather than in a framework of the Paris accords, which the North Vietnamese had violated."<sup>280</sup>

Vietnam agreed to meet with the Montgomery Committee, and on Dec. 6, 1975, members of the Committee accompanied by four members of other committees met with North Vietnamese Ambassador Vo Van Sung in Paris.

During their meeting, which included discussions of trade and aid, Ambassador Sung claimed that Vietnam had released all prisoners of war, and had organized efforts to collect information about missing Americans who had been killed in action. Sung committed his government to the repatriation of the remains of three American pilots as a first step towards better understanding between Vietnam and the U.S. Sung made clear, however, that the construction of a warmer relationship between the United States and Vietnam would require reciprocal actions on the part of the U.S. A meeting in Hanoi was scheduled for four days later.

On Dec. 18, 1975, four members of the Montgomery Committee traveled to Hanoi with a letter from President Ford which described the President's views on reciprocity and offered the assurance that the U.S. would be forward-looking in its relations with the new governments of Indochina.

<sup>279</sup>Two U.S. Marines died in a rocket attack on Tan Son Nhat Airport in the final days of the evacuation

<sup>280</sup>Final Report of the House Select Committee on Missing Persons in Southeast Asia, Chapter II, Section Four

Three sets of remains were turned over to the delegation in Hanoi. Meetings were held with Vietnamese Prime Minister Pham Van Dong and Vice Foreign Minister Phan Hein. The Vietnamese reiterated their contention that all American POWs had been released.<sup>281</sup> The Congressmen appealed for documented evidence on the missing, and for the recovery of the remains of two Marines who had been killed at the end of the war. The Vietnamese promised to supply information about the two Marines.

The North Vietnamese officials then raised the question of promised reconstruction aid from the U.S. and their understanding of such as referred to in President Nixon's February 1, 1973 letter to Pham Van Dong. The Congressmen stated their view that grant assistance from the U.S. to Vietnam was highly unlikely.

In March 1976, the Select Committee met with Secretary of State Henry Kissinger and unanimously recommended to him that the Department of State begin direct negotiations with the Vietnamese in an effort to resolve POW/MIA questions. That same month, the U.S. sent a communication to Hanoi requesting preliminary talks. This and other appeals by the Montgomery Committee for additional meetings with Vietnamese officials were rebuffed by Hanoi.

In 1977, the Carter Administration, acting on the recommendations of the Montgomery Committee, explored the possibility of obtaining additional POW/MIA information through improved overall relations between the United States and Vietnam.

In February 1977, President Carter appointed a commission headed by United Autoworkers President Leonard Woodcock and assigned it the task of seeking additional information from Vietnam and Laos. The Commission was to listen and report back on matters of interest to the governments of those countries.

The Woodcock Commission visited Laos and Cambodia in March 1977. In both countries, the delegation received assurances of cooperation on POW/MIA matters, coupled with expressions of interest in the possibility of economic aid. In Vietnam, the Commission received the remains of 12 U.S. airmen and was informed that a specialized office would be established by the government to receive information on missing Americans.

The Woodcock Commission recommended the resumption of regular talks between the U.S. and North Vietnam, and encouraged the normalization of diplomatic relations as a means for obtaining a fuller accounting of missing Americans.

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<sup>281</sup> At this time, a number of American civilians were imprisoned or detained in Vietnam after the fall of Saigon. Most were released in 1976.

In May 1977, U.S. and Vietnamese representatives held two days of talks in Paris, during which the U.S. offered to normalize relations without any conditions. The Vietnamese refused, arguing that normalization of relations should be contingent on the payment of U.S. reconstruction aid.

In July 1977, Vietnam joined the United Nations with U.S. support.

In 1978, Vietnamese officials met with JCRC officials in Hawaii as part of a general move toward better relations. Apparently because the Carter Administration appeared intent on improving relations with Vietnam, Vietnam repatriated more than 40 sets of remains during the Administration's first two years.

The Carter Administration scrapped further consideration of improved relations with Vietnam following its invasion of Cambodia in late 1978. This brought progress in obtaining an accounting for missing Americans to an abrupt halt. Meanwhile, continued violence in the region accelerated the exodus of refugees, and with them, reports that American prisoners had been seen alive in Southeast Asia after the war.

#### Reagan Administration Initiatives (1982-1987)

In 1982, the Reagan Administration began to revive efforts to account for missing. In February 1982, Deputy Assistant Secretary of Defense Richard Armitage led a delegation to Hanoi for POW/MIA discussions with a Vietnamese delegation headed by Deputy Foreign Minister Dinh Ngo Liem.

In the course of these discussions, Vietnam agreed to further technical meetings among officials of the JCRC and Central Identification Laboratory in Hawaii (CIL-HI) and personnel from Vietnam's Office for Seeking Missing Persons (VNOSMP). Vietnam further agreed to consider four such meetings a year, and to dispatch a working-level team to JCRC/CIL-HI. Lastly, Vietnam agreed to consider a U.S. proposal to begin joint U.S./Vietnam crash-site searches for information about missing Americans.

In September 1982, a delegation from the National League of Families visited Hanoi. The delegation, led by the League's Chairman, George Brooks, gained an agreement from Vietnam to hold four government-to-government technical meetings a year on POW/MIA questions.

Four sets of remains were repatriated by Vietnam and identified as those of Americans in 1982.

In July 1983, Vietnam suspended technical meetings in reaction to what Hanoi termed "hostile statements" by senior U.S. officials. This was a reference to Secretary of State George Shultz' comments

at an ASEAN meeting in Bangkok that Vietnam was holding more than 400 sets of U.S. remains.

In October 1983, Dr. Richard Childress, the National Security Council's Director for Asian Affairs, and the League's Executive Director, Ann Mills Griffiths met in New York with Vietnam's Foreign Minister Nguyen Co Thach. In the course of the ensuing informal discussions, Thach agreed that Vietnam's cooperation on POW/MIA questions would be undertaken on a humanitarian basis and would not be linked to diplomatic or economic considerations. He further agreed to receive a senior U.S. delegation in Hanoi to discuss expanding U.S./Vietnamese cooperation to resolve the POW/MIA issue.

Eight sets of remains were repatriated by Vietnam and identified as American in 1983.

In January 1984, the following joint communique was issued by the Socialist Republic of Vietnam, the Lao People's Democratic Republic and the People's Republic of Kampuchea:

With the spirit of friendship between the American people and the three Indochinese peoples which was strengthened in the struggle against the war of aggression waged by the U.S. leaders in Indochina, on the basis of humanitarianism, and understanding the American people, each country of Indochina will try to inform one another about the Americans missing during the war in Laos, Vietnam and Kampuchea.

A delegation led by Armitage traveled to Hanoi in February 1984. Prior to the delegation's departure, Vietnam and the U.S. released the following statement:

By mutual agreement, the governments of the United States and the Socialist Republic of Vietnam believe that the issue of Americans missing in Vietnam is a humanitarian one to be dealt with through mutual cooperation and good will.

Vietnam's commitment to treat the resolution of POW/MIA questions as a humanitarian issue appeared to allow the U.S. to pursue cooperation with Vietnam without having to deal constantly with the entanglements of economic aid and diplomatic recognition. This expressed lack of linkage has done a great deal since 1984 to facilitate our dialogue with Vietnam, even though Vietnam's call for "mutual cooperation and good will" carries with it an implication of anticipated progress in these and perhaps other areas.

The February 1984 delegation led by Richard Armitage obtained a formal agreement from Vietnam to accelerate accounting efforts; to

focus initial efforts on easily accessible discrepancy cases in the Hanoi/Haiphong area and on easily recoverable remains; to provide new information on several missing Americans; and to resume technical meetings in the near future.

Later in the year, Vietnam's cooperation as outlined in the February agreement stopped. Hanoi cited U.S. "hostile rhetoric" over Vietnam's continued occupation of Cambodia, and the sale of U.S. radar equipment to China as reasons for the setback.

In October, Childress again traveled to New York for meetings with Thach, who repeated Vietnam's promise to accelerate resolution of discrepancy cases in the Hanoi/Haiphong area. He further agreed to focus on resolving cases of Americans listed by the former Viet Cong as died in captivity; to send teams into the countryside to investigate first-hand live-sighting reports; and to continue Vietnam's overall commitment to resolve the POW/MIA issue as a humanitarian endeavor.

Six sets of remains were repatriated by Vietnam and identified as those of Americans in 1984.

Childress, Griffiths and Thach next met in New York in March 1985 to discuss a U.S. initiative to expand joint efforts in a comprehensive two-year plan. Thach promised his Government would consider the two-year plan. He also agreed to expand the number of technical meetings from four to six, or more if necessary; to expedite the return of remains promised in February to the U.S. technical team; and to reaffirm Vietnam's focus on Hanoi/Haiphong discrepancy cases.

Later that month the remains of six Americans were repatriated, including two Americans who were on the PRG list addressed in Thach's October 1984 commitment.

In July 1985, following discussions with Childress, Griffiths and Thach agreed to renew negotiations with senior U.S. officials with the intention of resolving the POW/MIA issue within two years.

Childress led a U.S. delegation to Hanoi in August 1985 for meetings with Acting Foreign Minister Vo Dong Giang. The U.S. proposed a comprehensive two-year work plan to resolve the issue, which included the establishment of a U.S. technical presence in Hanoi. The technical office was rejected by Hanoi because the U.S. rejected Vietnam's proposal to open a reciprocal office in Washington. Vietnam offered a counter-proposal to the U.S. which included language unrelated to POW/MIA questions.

Both sides agreed to meet again in New York in September to resolve differences in the two-year plans. In those follow-up discussions, the U.S. accepted in principle Vietnam's unilateral, two-year plan with modifications. Vietnam agreed to conduct a joint crash site

investigation, and pledged the repatriation of additional American remains. The U.S. noted that Vietnam's cooperation on POW/MIA questions would facilitate an improvement in relations following the achievement of a peace settlement in Cambodia.

In 1985, 38 sets of remains were repatriated by Vietnam and identified as those of Americans. This was the largest single turnover of remains since the end of the war.

In January 1986, Childress and Armitage led a delegation to Hanoi which included Assistant Secretary of State Paul Wolfowitz and Griffiths. Their meetings with Thach produced an agreement for cooperative, multiple field activities, and Vietnam's reaffirmation of its commitment to investigate live-sighting reports and to all earlier agreements.

Vietnam's failure to implement its previous agreements with the U.S. prompted another Childress-led delegation to New York in May 1986 to meet with Vietnam's Deputy Foreign Minister Hoang Bich Son, and a subsequent meeting in Hanoi with Thach in July 1986.

In New York, Childress received assurances that Vietnam would resume a schedule of technical level activities in keeping with prior commitments, and a promise that Vietnam would increase the personnel and other resources committed to VNOSMP, Vietnam's MIA Office.

The July discussions in Hanoi produced the usual reaffirmations of accelerated cooperation and humanitarian purpose. Additionally, Vietnam undertook to:

- . Hold "very productive" technical level meetings in August and October;
- . Allow consultations between American and Vietnamese forensic specialists in Vietnam;
- . Provide in writing the results of its unilateral investigations of live sighting reports (few details of which had theretofore been provided to the U.S.);
- . Allow U.S. experts to accompany Vietnamese officials on investigations in accessible areas; discuss with the U.S. specific crash sites for joint excavation; and
- . Send another delegation to JCRC and CIL-HI.

By the fall of 1986, it had become abundantly clear to the U.S. that Vietnam's agreements and reaffirmations did not translate into measurable action. U.S. appeals to Vietnam to match deeds with words were met with repeated assurances of Vietnam's good faith,

but did little to produce the level of cooperation necessary to resolve the POW/MIA issue in the agreed-upon, two-year time frame.

In 1986, 13 sets of remains were repatriated by Vietnam and identified as those of Americans.

#### Gen. Vessey's Contributions, 1987-1991

In April 1987, after months of internal discussion, the Reagan Administration attempted to overcome the prevailing absence of meaningful Vietnamese cooperation on POW/MIA questions by appointing General John W. Vessey to be the President's Special Emissary to Vietnam for POW/MIA Affairs.

Vessey retired after serving 46 years; his last post was as the Chairman of the Joint Chiefs of Staff. He returned from retirement at President Reagan's request and was awarded the Presidential Medal of Freedom in 1992 for his efforts on behalf of unaccounted-for servicemen.

Childress led a U.S. delegation to Hanoi in May 1987 to elicit Vietnam's agreement to receive the President's emissary. After difficult negotiations, and a recitation of Hanoi's grievances with the United States, Vietnam agreed to accept General Vessey.

As described by Vessey, President Reagan's instructions were to negotiate with the Vietnamese to establish a mechanism with which to pursue the fullest possible accounting of missing Americans. The first priority was to ascertain whether any Americans remained in captivity in Southeast Asia.

The President added to Vessey's portfolio three humanitarian objectives: the release of former South Vietnamese political and military officials from so-called "re-education camps"; the implementation of the Orderly Departure Program to reunite Vietnamese with their families in the United States and to gaining permissions for the emigration of Amerasian children to the United States. Vessey also was authorized by the President to consider Vietnam's humanitarian concerns and to recommend limited U.S. initiatives to address some of those concerns.

Due to the dedication and skill of Vessey, enormous progress has been made toward these objectives. Today, the re-education camps are empty, the Orderly Departure Program is approaching its successful completion, and there is a mechanism in place in Vietnam which should ultimately provide the United States with the necessary information to achieve the fullest possible accounting for our missing men.

Vessey's first mission to Vietnam occurred in August 1987. The first priority of his discussions with Thach was to extract a recognition from the Vietnamese of discrepancy cases was required

thorough investigation of discrepancy cases was required if the U.S. was to accept Vietnam's assurances that it held no American prisoners.

Vessey succeeded in gaining Vietnam's acceptance of the view that resolving discrepancy cases was essential to the accounting process. His initial negotiations with Thach produced Vietnam's agreement to renew cooperation on POW/MIA questions by focusing on discrepancy cases and on those cases of Americans who were listed as having died in captivity in the South.

It was further agreed that the focus of discrepancy case investigations would be on 70 cases which Vessey termed "most compelling." Vietnam agreed to specific measures to accelerate progress toward accounting for our missing, and to subsequent meetings of U.S. and Vietnamese experts to facilitate this progress.

Additionally, both the U.S. and Vietnam affirmed that cooperation on POW/MIA and on other humanitarian issues would be pursued separately from other bilateral matters. The U.S. agreed to address certain humanitarian concerns of Vietnam, and to send a team of experts to Vietnam to collect information such as prosthetics requirements and capabilities on the problems of Vietnam's disabled.

In September 1987, Vessey led a delegation to New York for follow up discussions with Vietnam's Deputy Foreign Minister Nguyen Dy Nien. Vietnam's cooperation still lagged behind its formal assurances, and in December Childress traveled to New York to meet with members of Vietnam's delegation to the United Nations to urge more rapid cooperation. Vietnam agreed to hold technical talks in January 1988.

In 1987, 8 sets of remains were repatriated by Vietnam and identified as those of Americans.

Vessey met again with Minister Thach in New York in June 1988. Along with promises to accelerate cooperation and reaffirmations of earlier agreements, Thach agreed in principle to permit joint field surveys and excavations.

In the following months, Vietnam's cooperation with U.S. efforts improved substantially. Joint field operations were increased, and a large number of remains were repatriated.

In 1988, 62 sets of remains were repatriated by Vietnam and identified as those of Americans.

After reappointment by President Bush as Special Emissary, Vessey led a delegation to Hanoi in October 1989. In addition to seeking expanded joint field operations, Vessey's negotiations prioritized

the United States' need for information from Vietnam's war archives.

Thach agreed in the October discussions to search for additional data regarding discrepancy cases, and to accept for investigation new discrepancy cases, including those involving Americans who were lost in areas of Laos controlled by North Vietnam during the war. Additionally, Thach agreed to expand cooperation in the field, recognizing the U.S. need for specific data and access to eyewitnesses.

Vietnam's familiar reluctance to implement its public and private assurances with the agreed-upon actions prompted a December 1989 meeting between Deputy Assistant Secretary of State David Lambertson and Vietnam's U.N. Ambassador Trinh Xuan Lang, during which Lang reaffirmed Vietnam's promise to increase cooperation.

In 1989, 33 sets of remains were repatriated by Vietnam and identified as those of Americans.

In September 1990, Vessey and Assistant Secretary of State Richard Solomon met with Vietnam's Vice Foreign Minister Le Mai for discussions on Cambodia and the need to resolve the POW/MIA issue.

Later that month, Secretary of State James A. Baker, III, met in New York with Foreign Minister Nguyen Co Thach. Baker stressed to Thach the importance the U.S. attached to resolving the POW/MIA issue and appealed to Thach for Vietnam's full implementation of the commitments it had undertaken on POW/MIA cooperation, recognizing that once a Cambodian settlement was achieved, Hanoi's cooperation on POW/MIA questions would govern the speed with which the U.S. and Vietnam improved their relations.

The following month, Thach and his delegation came to Washington for discussions with Vessey. This was the first visit by a senior Vietnamese official since the war and was intended to symbolize the promise of improved relations portended by cooperation on the POW/MIA issue.

U.S. officials had long suspected that Vietnam's war-time records included substantial information about the fate of missing Americans. Accordingly, Vessey's efforts were increasingly focused on securing U.S. access to Vietnamese military archives which contained this information.

Vessey's discussions with Thach in Washington yielded Vietnam's agreement to form a joint research "information seeking" team with the U.S. to locate and make available Vietnamese historical documents which contained information relevant to POW/MIA cases.

Also during the Washington meeting, Vessey resurrected the U.S. proposal to establish a POW/MIA office in Hanoi. He stressed that